THE EASTERN BENGAL AND ASSAM CODE.

VOLUME III.

(Agents for the sale of Government of India publications)

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THE EASTERN BENGAL AND ASSAM CODE;

IN THREE VOLUMES:

CONTAINING

THE REGULATIONS AND LOCAL ACTS IN FORCE IN THE PROVINCE OF EASTERN BENGAL AND ASSAM;

WITH

CHRONOLOGICAL TABLES, NOTES AS TO SCHEDULED DISTRICTS AND DEREGULATIONISED TRACTS,

AND

A FULL INDEX.

EDITED, UNDER THE ORDERS OF THE GOVERNMENT OF EASTERN BENGAL AND ASSAM

BY

F. G. WIGLEY,

OF THE INNER TEMPLE, BARRISTER-AT-LAW,
SECRETARY TO THE BENGAL LEGISLATIVE COUNCIL

VOLUME III:

BENGAL ACTS, 1883 TO 1905, EASTERN BENGAL AND ASSAM ACTS, 1907, TABLES, NOTES AND INDEX

CALCUTTA
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1907

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CONTENTS.

PREFACE.

THIS, the third volume of the Eastern Bengal and Assam Code, contains such of the following enactments as are now in force in Eastern Bengal and Assam or in any part of that Province, namely —

(1) Bengal Acts of the years 1883 to 1905, and

(2) Eastern Bengal and Assam Acts of the year 1907.

2 This volume also contains—

(1) a list of abbreviations used in the Code;

(2) a list of publications cited in the Code;

(3) explanatory notes as to the Scheduled Districts and de regulationised tracts in Eastern Bengal and Assam;

(4) chronological tables of enactments declared in force in, or declared to be not actually in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by notification under the Scheduled Districts Act, 1874 (14 of 1874),

(5) a table of Scheduled Districts in Assam which are administered under rules made under the Scheduled Districts Act, 1874, section 6;

(6) a chronological table of enactments in force in the Chittagong Hill-tracts;

(7) tables of areas to which the Assam Frontier Tracts Regulation, 1880 (2 of 1880), has been extended, and in which the operation of enactments has been barred by notification under that Regulation; and

(8) a full index to the Code.

3. The system followed in editing the volume is described in the Preface to Volume I of the Code.

F. G. WIGLEY.

CALCUTTA,

The 13th January, 1908

CHRONOLOGICAL TABLES OF ENACTMENTS PRINTED IN THIS VOLUME

[With respect to the entry of repealing enactments in column 4 of these tables, the following has been the ordinary practice:—

(1) where an enactment has been totally repealed more than once, the latest repealing enactment has alone been entered;

(2) where an enactment has been partially repealed and afterwards totally repealed, the total repeal only has been entered: a repeal of the unrepealed portions of an enactment is treated as a total repeal,

(3) partial repeals covered by later partial repeals have not been entered,

(4) local repeals covered by later local repeals have not been entered;

(5) where an enactment has been locally repealed and afterwards repealed by an enactment whose operation is unrestricted, the later repealing enactment has alone been entered]

1	2	3	4	5
Year	No	Short title	How repealed or otherwise affected in Eastern Bengal or Assam by legislation	Page
		(1) *Bengal Acts* [1]		
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			S 12 am, Act 5 of 1897	
			S 13 rep., Act 1 of 1903	
"	3	The Bengal Tramways Act, 1883	S 1 rep in pt., Act 1 of 1903	6
			S 41 am., Ben. Act 1 of 1904	
1884	3	The Bengal Municipal Act, 1884	S 251 am, ss. 251A to 251D ins., Ben Act 3 of 1886	
			(See next page)	36

[1] The expression "Ben Act" or "Bengal Act," as used in this Code, means an Act made by the Lieutenant Governor of Bengal in Council—cf the Bengal General Clauses Act, 1899 (Ben Act 1 of 1899) s. 3, cl. (6) post, p. 414

Chronological Tables of Enactments printed in this Volume—contd

1	2	3	4	5
Year	No	Short title	How repealed or otherwise affected in Eastern Bengal or Assam by legislation	Page

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			Ss 15, 37L, 39, 42, 69, 70, 131, 142, 238 (1) 279, 321, 322 (3), 350, 351A am, ss 69A, 69B, 141B, 147B ins, s 141A rep in pt., s 147A rep in pt and am, Ben Act 2 of 1896	
			Ss 37J, 219 am, Act 5 of 1897	
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			Ss 2, 8 rep, Act 5 of 1897	
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	2	The Bengal Vaccination (Amendment) Act, 1887	Short title given, Act 1 of 1903	229
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,,	3	The Eastern Bengal and Assam Court of Wards (Amendment) Act, 1907.	....	476

[1] The expression "E. B and A Act," or "Eastern Bengal and Assam Act," as used in *this Code, means an Act made by the Lieutenant Governor of Eastern Bengal and Assam* in Council.

LIST OF ABBREVIATIONS USED IN THIS CODE

am	amended by
Assam	The former Province of Assam namely, the Districts of Cachar Darrang Garo Hills, Goálpara Kamrup Khasi and Jaintia Hills Lakhimpur Lushai Hills Nága Hills Nowgong, Sibságar and Sylhet [1]
Ben Act	Act made by the Lieutenant Governor of Bengal in Council
Ben Reg	Bengal Regulation
Ch	Chapter
cl	clause
Eastern Bengal	The territory transferred from Bengal to the Province of Eastern Bengal and Assam namely the Districts of Backergunge Bogra Chittagong the Chittagong Hill tracts Dacca Dinajpur Faridpur Jalpaiguri Maldah Mymensingh Noakhali Pabna Rajshahi, Rangpur and Tippera [2]
E B and A Act	Act made by the Lieutenant Governor of Eastern Bengal and Assam in Council
E B and A Gazette	The Government Gazette Eastern Bengal and Assam
expld	explained by
ext	extended by
ins	inserted by
mod	modified *or* modified by
Notfn	Notification.
p	page
pt *or* Pt	part *or* Part.
Reg	Regulation made under the Government of India Act 1870 (33 & 34 Vict c 3)
rep	repealed by
rep in pt	repealed in part by
s	section.
Sch	Schedule
virt rep	virtually repealed by

[1] *See* the Bengal and Assam Laws Act, 1905 (7 of 1905) Sch A in Volume I, p 624
[2] *See ib* Sch B in *ib*

LIST OF PUBLICATIONS CITED IN THIS CODE.

1	2
Short titles	Full titles of publications for which no short titles have been prescribed
The Assam Excise Manual, 1890	
The Assam Executive Manual 1905	
The Assam Forest Manual, 1898	
The Assam Land Records Manual, 1906	
The Assam Land revenue Manual, 1906	
The Assam Local Board Manual, 1905	
The Assam Local Statutory Rules and Orders, 1893	Manual of Local Rules and Orders made under Enactments applying to Assam. By E A. Gait I C S *Calcutta*, 1893
The Assam Local Statutory Rules and Orders, Supplement, 1901	Supplement to the Manual of Local Rules and Orders made under Enactments applying to Assam To the 31st March 1901 *Shillong*, 1901.
The Assam Police Manual, 1897 (2 vols)	
The Assam Registration Manual, 1894	
The Assam Re settlement Manual, 1905	
The Assam School Manual, 1905	
The Assam Stamp Manual, 1903	
The Bengal Forest Manual 1905	
The Bengal Legislative Council Manual, 1900	The Legislative Council of Bengal being a reprint of the Indian Councils Acts and other Acts relating to the Council, and the Proclamations, Regulations and Rules issued for the Council, with notes, appendices and an index By F G Wigley
The Bengal Local Statutory Rules and Orders, 1903 (2 vols)	
The Bengal Police Code, 1897	
The Bengal Steam boilers Manual, 1904	The Bengal Steam boilers and Prime movers Act, 1879 (Bengal Act No 3 of 1879), with Rules and Regulations. *Calcutta,* 1904

NOTE.—The short titles printed in italics are not prescribed in the Preface or on the cover of the publications to which they refer, but have been adopted in this Code for convenience of reference

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expld	explained by
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ins	inserted by
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Notfn	Notification.
p	page
pt or Pt	part or Part
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rep in pt	repealed in part by
s	section
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virt rep	virtually repealed by

[1] See the Bengal and Assam Laws Act, 1905 (7 of 1905) Sch. A, in Volume I, p 624
[2] See ib Sch B, in ib

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The Assam Local Board Manual, 1905	
The Assam Local Statutory Rules and Orders, 1893	Manual of Local Rules and Orders made under Enactments applying to Assam By E A Gait I C S *Calcutta*, 1893
The Assam Local Statutory Rules and Orders, Supplement 1901	Supplement to the Manual of Local Rules and Orders made under Enactments applying to Assam To the 31st March 1901 *Shillong* 1901
The Assam Police Manual 1897 (2 vols)	
The Assam Registration Manual, 1894	
The Assam Resettlement Manual 1905	
The Assam School Manual 1905	
The Assam Stamp Manual, 1903	
The Bengal Forest Manual 1905	
The Bengal Legislative Council Manual, 1900	The Legislative Council of Bengal being a reprint of the Indian Councils Acts and other Acts relating to the Council and the Proclamations Regulations and Rules issued for the Council, with notes appendices and an index By F G Wigley
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List of Publications cited in this Code—contd

1	2
Short titles	Full titles of publications for which no short titles have been prescribed
The Bengal Tenancy Rules, 1898	Government Rules under the Bengal Tenancy Act 8 of 1885, as amended by Act 3 (B C) of 1898, with Board s Instructions thereon.
The Board's Rules, 1902 [Bengal]	
The Butwara Manual, 1902 [Bengal]	
The Certificate Manual 1904 [Bengal]	
The Cess Manual, 1900 [Bengal]	
The Chittagong Port Manual, 1891	Rules, by laws, regulations and notifications relating to the Port of Chittagong
Chronological Tables of the Indian Statutes 1901	
The Civil Service Regulations, 1902	
The Collection of Statutes relating to India (2 Vols, 1899, 1901)	
The Dispensary Manual, 1899 [Bengal]	Manual of Rules for the Management of Charitable Hospitals and Dispensaries under the Government of Bengal
The Eastern Bengal and Assam Legislative Council Manual, 1906	Handbook for the Legislative Council, Eastern Bengal and Assam Shillong, 1906
The Education Manual, 1903 [Bengal]	Rules and Orders of the Bengal Education Department, 3rd Edition
The Excise Manual, 1903 (2 vols and an Index) [Bengal].	
General Acts (7 Vols, 1898 1904)	The Unrepealed General Acts of the Governor General in Council, 1834 1903
The Government Estates Manual, 1902 [Bengal]	
The High Court s Rules, 1903	General Rules and Circular Orders of the High Court of Judicature at Fort William in Bengal, 1903 [Appellate Side (Criminal), 2 Vols ; Appellate Side (Civil), 2 Vols]
The Index to the Indian Statutes, Ed. 1897	Chronological Tables and Index of the Indian Statutes Compiled by F G Wigley Vol I Chronological Tables, Vol II Index, *Calcutta*, 1897 [A new edition of the Chronological Tables was published in 1901]

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List of Publications cited in this Code—concld

1	2
Short titles	Full titles of publications for which no short titles have been prescribed.
The Inland Emigration Manual (published in 1901) [Bengal]	
The Inspection Manual 1902 [Bengal]	
The Irrigation Manual 1897 (2 Vols) [Bengal]	
The Land Registration Manual 1904 [Bengal]	
The Local Self Government Rules Part VIII 1902 [Bengal]	*Part VIII* —Account Rules under the Local Self Government Act
The Local Self Government Rules Part IX, 1902 [Bengal]	*Local Self Government Rules Part IX* —Rules (1) for the appointment of District Engineers etc their duties and powers and also those of Inspectors of Local Works (2) mode of preparing plans and estimates for works
The Local Self Government Rules Part IXA 1899 [Bengal]	*Part IXA* —District Engineers' Account Rules under the Local Self Government Act
The Records Manual 1902	
The Register and Return Manual 1902 [Bengal]	
The Sale Law Manual 1906 [Bengal]	
The Salt Manual 1903 [Bengal]	
The Survey and Settlement Manual 1900 [Bengal]	
The Tauzi Manual 1899 [Bengal]	
The Wards Manual 1897 [Bengal]	

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CORRIGENDA.

Vol I

Page 19, footnote [4] line 2 —*For* 1739 *substitute* 1793

Page 25, footnote [1], line 3 —*After* 7 *insert* of

Page 34 footnote [1] —*After* 51 *insert* to

Page 18, section 5, line 1 —*For* propietary *substitute* proprietary

Page 68, footnote [1] line 17 —*For* 278 *substitute* 218

Page 71 footnote [4] —*For* officer *substitute* officers.

Page 207, footnote [2] last line —*For* 68 *substitute* 168

Page 223 footnote [2] —Transfer so as to make it appear above the paragraph "As to the exercise of functions of Collectors," etc

Page 288, footnote [1] line 4 —*Before* Lushai Hills *insert* North

Page 320, last line of the text —*After* estate or share *insert* of an estate, or at.

Page 400, footnote (*h*), last line —*Before* 1,000 *insert* p

Page 603, entry relating to Act 20 of 1856, col 2 —*After* 20 *insert* [2]

Page 658, title, line 6 —*For* Districts *substitute* District

Vol. II.

Page 248 line 9 from the bottom —*For* 227 *substitute* 127

Page 270, line 16 —*For* [3] *substitute* [2]

Page 320, s 10, cl (*h*) —*For* on *substitute* or

Page 334, last line of text —*After* Procedure [2] *insert*]

Page 366, footnote [3] last line —For 358 substitute 368

Page 373, footnote [6] —*For* footnote [1] *substitute* footnote [3].

Page 398, last line of text —*After* the provisions *insert* of Act

Vol III

Page 121, footnote [1] line 1 —*For* were *substitute* was

Page 179 footnote [2], line 2 —*For* list of *substitute* list on

Page 194 inner margin —*For* Ben Act of 1884 *substitute* Ben Act 3 of 1884

Page 275 footnote [3], line 2 —*For* 624 *substitute* 625

Page 295, section 34, last line —*For* word *substitute* ward

PAGE 304, footnote [1] —*For* pgae *substitute* page

PAGE 358, section 5, line 1.—*For* words *substitute* word

PAGE 401, section 102, margin —*Insert* Power of Lieutenant Governor to order a new allotment of the land-revenue

PAGE 472, section 6, line 2 —*For* fitteen *substitute* fifteen

PAGE 599, footnote [2], line 2 —*After* pp *insert* 610, 611

PAGE 625, footnote [2], line 7 —*For* Regulations *substitute* Regulation

PAGE 638, heading C, line 3 — *After* section *insert* 1

G. I. C. P. O.—No 1 L D —27 5 1903 —1 200 — N. N. B

THE EASTERN BENGAL AND ASSAM CODE.

VOLUME III.

BENGAL ACTS OF 1883-1905, AND EASTERN BENGAL AND ASSAM ACTS OF 1907.

PART I—BENGAL ACTS OF 1883-1905 IN FORCE IN THE PROVINCE OF EASTERN BENGAL AND ASSAM.

BENGAL ACT I OF 1883

[THE BENGAL EXCISE (AMENDMENT) ACT, 1883] [1]

[14th March, 1883]

An Act to amend the Bengal Excise Act, 1878. [2]

7 of WHEREAS it is expedient to amend the Bengal Excise Act, 1878 [2], It is enacted as follows :— Pr

1. This Act shall be read with, and taken as part of, the Bengal Excise Act, 1878, [2] as amended by Bengal Act 4 of 1881 [3] Co of

2. In section 4 of the Bengal Excise Act, 1878, the following definitions shall be inserted, that is to say :— Ne tio

[Printed in Vol. II, p. 354.]

3. After section 10 of the said Act the following section shall be inserted, that is to say :— Ne 10.

10A. [Printed in Vol. II, p. 355.]

[1] SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903 (I of 1903), Sch. I—see Vol. I, p. 607.

Regulation, 1900 (1 of 1900).

II to this Volume

Amendment of section 15 — 4 For the first three paragraphs of section 15 of the said Act the following shall be substituted, that is to say —

[Printed in Vol II, p 356]

New section 17 — 5 For section 17 of the said Act the following section shall be substituted, that is to say —

[Printed in Vol II, p 357]

New section 19A — 6 After section 19 of the said Act the following section shall be inserted, that is to say —

19A [Printed in Vol II, p 359]

Amendment of section 26 — 7. In section 26 of the said Act the words "if required by the Collector to do so" shall be inserted after the words 'tenor of the license"

Amendment of section 29 — 8 In section 29, paragraph 3, of the said Act, the words 'in writing" shall be inserted after the words "previous notice"

In the same paragraph of the same section, the word 'such shall be" inserted after the words 'or if" and before the word "notice"

Amendment of section 30 — 9 In section 30 of the said Act the words "in writing" shall be inserted after the word 'notice"

Amendment of section 53 — 10 For the second and third paragraphs of section 53 of the said Act the following shall be substituted, that is to say —

[Printed in Vol II, p 367]

Amendment of section 60 — 11 To section 60 of the said Act the following words shall be added, that is to say —

[Printed in Vol. II, p 368]

Amendment of section 61. — 12. In the first paragraph of section 61 of the said Act the following words shall be inserted after the word 'fifteen," that is to say —

[Printed in Vol II, p 369]

[1] [In the second paragraph of the same section, as amended by Bengal Act 4 of 1881, section 8, the following words shall be inserted after the word 'sea" that is to say —"which are in the possession of any common carrier or warehouseman as such or"]

13 [*Commencement of Act*] *Rep by the Repealing and Amending Act,* 1903 (1 *of* 1903)

---

[1] These words in square brackets in s 12 were substituted for the original words by the Amending Act, 1897 (5 of 1897) Sch II—*see* Vol. I p 510

BENGAL ACT 3 OF 1883

(THE BENGAL TRAMWAYS ACT, 1883.)

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Inability of promoters

SECTION

Purchase of Tramways

BENGAL ACT 3 OF 1883 [1]

(THE BENGAL TRAMWAYS ACT, 1883)

[*2nd May*, 1883]

An Act to authorize the making and to regulate the working of Tramways in Bengal. [2]

Preamble

WHEREAS it is expedient to facilitate the construction and to regulate the working of tramways within the territories subject to the Government of the Lieutenant Governor of Bengal [2] , It is enacted as follows —

Short title

1 This Act may be cited for all purposes as the Bengal Tramways Act, 1883

[*Commencement*] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

Interpretation.

2 For the purposes of this Act, the terms hereinafter mentioned shall, unless there be something repugnant in the subject or context, have the meanings hereinafter assigned to them —

"Local authority"

the term " local authority " shall mean—

(1) bodies of persons for the time being appointed or elected to conduct

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The Indian Railways Act, 1890 (9 of 1890), or any portion thereof, may be extended by notification to any tramway worked by steam or other mechanical power—*see* s 146 of that Act, in General Acts 1885 90, Ed. 1898, p 459

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For power of Tramway Company to pay interest out of capital, *see* the Indian Tramways Act, 1902 (4 of 1902), in General Acts, 1899 03 p 196

As to the construction of tramways by local authorities, *see*—

the Bengal Municipal Act, 1884 (Ben. Act 3 of 1884), s 69 (1) (i) *post*, p. 66, and the Bengal Local Self Government Act of 1885 (Ben Act 3 of 1885), ss 80 to 82, *post*, pp 200 201.

[2] This includes Eastern Bengal.

the affairs of any municipality under Bengal Act 5 of 1876 or other [1] law for the time being in force for the purpose of regulating municipalities in Bengal[2];

(2) any Board, Committee, Department or other body or person in whom a road as defined by this Act is vested, or who have the power to maintain or repair such road,

the term "area" in relation to a local authority shall mean the area within the jurisdiction of such local authority, — "Area"

the term "municipality" shall mean any place in which Bengal Act 5 of 1876 or any other [1] law for the time being in respect of Bengal municipalities is in force, — "Municipality"

the term "road" shall mean any carriage way, being a public thoroughfare, and the carriage way of any bridge forming part or leading to the same; — "Road"

the term "tramway" shall mean a tramway constructed under this Act [3] — "Tramway"

PART I

Orders by the Local Government authorizing the construction of Tramways

By whom orders authorizing the construction of tramways may be obtained

3 An order made by the Local Government [4] authorizing the construction of any tramways in any municipality or area may be obtained by—

1*st*, the local authority of such municipality or area,

2*nd*, any person, persons, corporation or company with the consent of such local authority

And any such local authority, person, persons, corporation or company shall be deemed to be "promoters" of a tramway, and are in this Act referred to as "the promoters"

When applications for authority to construct tramways may be made

Where the local authority consists of a body of persons, Board or Committee, no application shall be made to the Local Government [4] for the purpose of authorizing the construction of tramways in a municipality or area until a resolution, approving of the intention to make such application, shall be passed at a special meeting of the members constituting the local authority in such municipality or area

Such special meeting shall not be held unless a month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given, and such notice

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[1] Ben Act 5 of 1876 has been repealed and re enacted for Eastern Bengal by the Bengal Municipal Act 1884 (Ben Act 3 of 1884) printed *post* p 36

[illegible] see the Bengal and Assam

La [illegible] p 623 624

(Part I.—Orders by the Local Government authorizing the construction of Tramways.—Secs. 4-5.)

shall require that all objections to the proposed tramways shall be submitted for the consideration of the local authority before the date fixed for the special meeting.

Such resolution shall not be passed unless two-thirds of the members constituting such local authority are present and vote at such special meeting and a majority of those present and voting concur in the resolution.

Documents to be forwarded with application.

4. At the time of making an application for such order the promoters shall also forward to the Local Government [1]:—

1st, a memorial signed by the promoters descriptive of the undertaking;

2nd, a copy of the proceedings and resolution of the special meeting held under the provisions of section 3;

3rd, a copy of the provisional agreement made between the promoters and local authority, where the promoters are not themselves the local authority;

4th, an estimate of the proposed works, signed by the persons making the same;

5th, all necessary maps, plans, sections and drawings of the proposed work.

Local Government to determine on application and objection.

5. The Local Government [1] shall consider the application and may, if it think fit, direct an inquiry as to the propriety of proceeding upon such application, and it shall consider any objection thereto that may be filed on or before such day as it may from time to time appoint.

Local Government may make and publish order.

Where it appears to the Local Government [1] expedient and proper that the application should be granted with or without addition or modification, or subject or not to any restriction or condition, the Local Government [1] may settle and make an order accordingly, and such order shall be published in the Calcutta Gazette.[2]

Form and contents of order.

Every such order shall empower the promoters therein specified to make the tramway upon the gauge and in manner therein described, and shall contain such provisions, fix such maximum rates of fare and prescribe such penalties for default as (subject to the provisions of this Act) the Local Government [1] according to the nature of the application and the facts and circumstances of each case thinks fit.

Where the promoters are not the local authority, the order shall set forth the agreement made between the promoters and the local authority, and one of the provisions of such agreement shall settle the manner in which the value of the tramway shall be calculated in the event of its purchase by the local authority, under sections 39, 40 or 41.

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[1] Now the Loc[illegible] Assam—see the Bengal and Assam Laws Act, 1905 (7 [illegible] Vol. I, pp. 623-624.

[2] Now the E[illegible] Assam Laws Act, 1905 (7 of 1905), s. 3 and Sch. D, P[illegible]

(Part I —Orders by the Local Government authorizing the construction of Tramways —Secs 6 9)

6 The Local Government, [1] on the application of any promoters empowered by an order to construct a tramway, may from time to time revoke, amend or vary such order by a further order

Power to revoke amend or vary order

Provided that, whenever the promoters are not the local authority, the Local Government [1] shall, before passing such order call upon the local authority to state any objection it may have to such application

7 Subject to, and in accordance with, the provisions of this Act, the Local Government [1] may, on a joint application, or on two or more separate applications, settle and make an order empowering two or more local authorities, respectively, jointly to construct the whole, or separately to construct parts of a tramway and jointly or separately to own the whole or parts thereof, and all the provisions of this Act which relate to the construction of tramways shall extend and apply to the construction of the whole and the separate parts of such tramway as last aforesaid, and the form of the order may be adapted according to the circumstances of the case

Power to authorize joint work

8 Where it is proposed to lay down a tramway in two or more areas, and any local authority having jurisdiction in any of such areas does not consent thereto the Local Government [1] may nevertheless make an order authorizing the construction of such tramway, if it is satisfied after inquiry that two thirds of the length of such tramway is proposed to be laid in an area or areas the local authority of which area or areas does consent thereto

Local Government may in certain cases dispense with consent of local authority

9 If the promoters empowered by any order under this Act to make a tramway do not within the period prescribed in such order, complete the tramway and open it for public traffic , or,

Promoters powers to cease at expiration of prescribed time

if the works are not substantially commenced within the latest date prescribed in such order for their commencement, or

if the works, having been commenced, are suspended without a reason sufficient in the opinion of the Local Government, [1] to warrant such suspension ,

the powers given by the order to the promoters for constructing such tramway, executing such works, or otherwise in relation thereto shall cease to be exercised to the extent and in the manner specified in such order

A notice inserted by the Local Government [1] in the Calcutta Gazette [2] to the effect that a tramway has not been completed and opened for public traffic, or that the works have not been substantially commenced or that they have been suspended without sufficient reason, shall be conclusive evidence for the purposes of this section of such non completion, non commencement or suspension

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[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905) s 3 and Sch. D, Pt. I cl. I in Vol. I pp 623 624

[2] Now the E B and A Gazette—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s. 3 and Sch. D, Pt. I cl VII in Vol. I pp. 623 625

(Part I —Orders by the Local Government authorizing the construction of Tramways —Part II —Construction of Tramways —Secs 10 15)

Payment of expenses when local authority are promoters

10 When the local authority of any area are the promoters of any tramway the expenses incurred by them in constructing and working such tramway under the provisions of this Act including the expenses preparatory thereto may be paid out of the funds under the control of such local authority

Rent for use of road when local authority are not promoters

11 When the local authority are not the promoters they may fix and demand from the promoters such rent for the use of roads as may be agreed upon

Application of rent or tolls

12 Any moneys received by any local authority by way of rent or tolls in respect of any tramway constructed and worked under the provisions of this Act may be applied by them to the purposes for which other funds under the control of such local authority may be applied

Power to make rules

13 The Local Government [1] may from time to time make and when made may revise modify annul add to or confirm any rules it may be expedient to make for the purpose of carrying this Act into execution

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PART II

Construction of Tramways

Form in which tramways are to be constructed and maintained

14 Every tramway shall be constructed and maintained on such gauge and in such manner as may be specified in the order of the Local Government [1] empowering the construction of such tramway and before the work of construction is begun the maps drawings and specification showing the proposed construction of such tramway shall be submitted to the local authority and be approved by it and the cars and carriages intended to run on the tramways shall also be of such construction and furnished with such brakes and other appliances as shall have been approved by such local authority

Power to break up streets

15 The promoters may from time to time for the purpose of constructing and maintaining any tramways under this Act open and break up the soil and pavement of any of the roads upon which the construction and maintenance of such tramway has been authorized by the order of the Local Government [1] in that behalf and therein lay sleepers and rails and repair renew alter or remove the same and may for the purposes aforesaid do in and on such roads all other acts which shall from time to time be necessary for constructing and maintaining their tramways

Provided that when the powers granted under this section shall be

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[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 190 (7 of 190) s 3 and Sch. D Pt I cl I in Vol. I pp (93 694

(Part II —Construction of Tramways —Sec 16)

exercised by the promoters who are not the local authority, such powers shall be exercised subject to the following regulations —

1st —They shall give to the local authority notice in writing of their intention to open or break up any such road, specifying the time at which they will begin to do so, and the portion of the road proposed to be opened or broken up Such notice to be given at least seven days before the commencement of the work

2nd —They shall not open or break up or alter the level of any such road, except under the superintendence and to the reasonable satisfaction of the local authority, for which superintendence the promoters shall pay all reasonable expenses unless the local authority neglect to give such superintendence at the time specified in the notice, or discontinue the same during the work

3rd —They shall not, without the consent of the local authority in writing, open or break up at any one time a greater length than a quarter of a mile in any one length and shall leave an interval of at least a quarter of a mile between any two such places at which they may open or break up such road

4th —They shall, with all convenient speed, and in all cases within two calendar months at the most unless the local authority otherwise consent in writing complete the work for which the said road shall be broken up, and fill in the ground, and make good the surface, and to the reasonable satisfaction of the local authority, restore the road to as good a condition as that in which it was before it was opened or broken up, and clear away all surplus materials or rubbish occasioned thereby

5th —They shall in the meantime, when such road is opened or broken up cause it to be fenced and watched, and to be properly lighted at night

6th —They shall make good all damage done to the gas and water pipes sewers, drains, culverts, bridges and fences whether belonging to the local authority or to private individuals, by the disturbance thereof, and shall not cause any interruption in the supply of gas in or through any main or pipe, or the flow of water through any pipe, drain, culvert, bridge or other waterway, if they fail to make such damage good, or to remove such interruption within reasonable time, the local authority may, without prejudice to the penalties payable under section 29, cause the same to be made good at the promoters' expense

16 The promoters shall at their own expense at all times maintain and keep in good condition and repair, in such manner as the local authority shall direct, the rails of which any of their tramways shall for the time being consist, Promoters to keep the tramway roads in proper repair

and so much of any road as lies between the rails of any tramway and in the case of double lines or turnouts or sidings the portion of the road between the tramways and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway and in the course of carrying out repairs it shall not be necessary to give notice thereof to the local authority

Promoters not to obstruct ordinary traffic

17 In exercising the powers given to them by the last two preceding sections the promoters shall arrange their work so as to afford the least possible obstruction to the ordinary traffic of the roads or to the ordinary means of approach to houses situated on either side of the roads and so as to admit of as free and unrestricted entry at all times into the sewers drains culverts and bridges for the time being in use as is possible under the circumstances and also so as to enable proper repairs to be made to water or gas pipes by the direction of the local authority

Reservation of right of public to use roads

18 Nothing in this Act or in any by law made under this Act shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway is laid whether on or off the tramway with carriages not having flange wheel or wheels suitable to run on rails But the right of the public shall not include the use of any new roadway embankment or earthwork constructed or acquired for the special and exclusive use of the tramway

Right of user only

19 Notwithstanding anything in this Act contained the promoters shall not acquire or be deemed to acquire any right other than that of user of any road along or across which they lay any tramway

PART III

Working of Tramways

No tramway to be opened without certificate from Engineer

20 No tramway shall be opened for public traffic until the same has been inspected and certified by an Engineer or other officer appointed in that behalf by the Local Government [1] to be fit for such traffic

Local authority may lease or take tolls

21 When a tramway has been completed under the provisions of this Act and certified to be fit to be opened for public traffic under the last preceding section the local authority or other promoters may subject to the provisions of this Act, place and run carriages on such tramway and demand and take tolls and charges in respect of the use of such carriages, or may by lease to be approved of by the Local Government, [1] demise to any person persons,

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[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl. I in Vol. I pp 693 694

corporation or company the right of user by such person, persons, corporation or company of the tramway and of demanding and taking in respect of the same the tolls and charges authorized, or such authority may leave such tramway open to the public, and may in respect of such user demand and take the tolls and charges authorized

Carriages how to be worked

22 The cars and carriages of the promoters on the lines of the tramways shall be worked with such power, animal, mechanical or otherwise, as may be specified in the order issued by the Local Government [1] under section 5

Promotors may use tramway carriages with flange wheels

23 The promoters may use on their tramways carriages with flange wheels or wheels suitable for running on the prescribed form of rail, and, subject to the provisions of this Act, they shall have the exclusive use of their tramways for carriages with flange wheels or other wheels suitable for the said form of rail

Promoters may fix and demand fares

24 The promoters shall have power from time to time to fix the rates of fares for carrying passengers and goods in the said cars or carriages, and may demand and take the same for every passenger travelling upon any of their tramways or for the carriage of goods by their tramways

Provided that the rate of fare for each person or parcel shall not exceed the maximum rates authorized in the order of the Local Government [1] issued under section 5

Printed list of fares etc, to be placed in carriages

25 A printed list, in English and the vernacular of the district, of all the fares and charges fixed under the authority of the last preceding section, and a printed copy in the same languages of all by laws in force as hereinafter mentioned, shall be exhibited in a conspicuous place inside each of the cars or carriages used by the promoters upon any of their tramways

Fares how to be paid

The fares and charges fixed as aforesaid shall be paid to such persons at such places upon or near to the tramways, and in such manner and under such regulations as the promoters may, by notice to be annexed to the list of fares, from time to time appoint

By laws by local authority

26 The members constituting the local authority in a municipality or area in special general meeting may, subject to confirmation thereof by the Local Government, [1] from time to time make such by laws as to the rate of speed, number of passengers and mode of use of the tramways as the convenience and safety of the public may require, and as are not inconsistent with this Act or any rules framed under section 13

The promoters may make certain by laws

27 The promoters may, subject to confirmation as aforesaid, from time to time make such by laws—

for preventing disturbances, or the entry of persons suffering from infectious diseases, or the commission of any nuisance in or upon any carriage, or in or against any premises, belonging to them, and

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D, Pt I, cl I in Vol. I, pp 623 624

for regulating the travelling in or upon any carriage belonging to them

Provided that such by laws are not inconsistent with this Act or with any rules or by laws framed under sections 13 and 26

Publication of by laws.

28 All rules and by laws made under sections 13, 26 and 27, and confirmed by the Local Government, [1] shall, when so confirmed, be published in the Calcutta Gazette [2] and such rules and by laws when so published shall, until repealed or altered be of the same effect as if they had been inserted in this Act

Provided that no rules and by laws shall be confirmed by the Local Government [1] until they shall have been published for at least one month previously in the Calcutta Gazette [2] and in one or more of the local newspapers (if any exist) which circulate in the district to which such rules and by laws relate

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PART IV

OFFENCES

Penalty for failure of *promoters to* comply with provisions of this Act.

29 If the promoters not being the local authority, fail in any respect to comply with the provisions of sections 14 15 16, 17, 20 and 22 of this Act, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act, or to any other remedy against them), upon complaint of any person injuriously affected thereby, be liable to a penalty not exceeding two hundred rupees and to a further penalty not exceeding fifty rupees for each day during which any such failure continues after the first day on which such penalty is incurred

Penalty for obstructing promoters in the exercise of their power

30 If any person wilfully obstructs any person acting under the authority of the promoters in the lawful exercise of their powers in setting out or making laying down, repairing or renewing a tramway, or injures or destroys any mark made for the purpose of setting out the lines of the tramway, he shall, for every offence, be liable to a penalty not exceeding fifty rupees, and shall also be liable to pay such damages as may be awarded in respect of such injury by any competent Court

Penalty for interfering with tram way

31 If any person without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things, namely —

interferes with, removes or alters any part of a tramway of the promoters, or of the works connected therewith,

does or causes to be done anything in such a manner as to obstruct any carriage using the tramways,

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[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905) s. 3 and Sch D Pt I cl. I in Vol. I pp 623 624

[2] Now the E. B and A. Gazette—see the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch. D Pt I cl VII, in Vol I pp 623 625

or knowingly aids or assists in the doing of such thing,

he shall for every such offence be liable (in addition to any proceedings by way of criminal charge or otherwise to which he may be subject) to a penalty not exceeding one hundred rupees

32 If any person travelling or having travelled in any carriage of the promoters avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such carriage, every such person shall, for every such offence, be liable to a penalty not exceeding ten rupees

Penalty for avoiding payment of proper fare

33 It shall be lawful for any servant of the promoters to arrest and take to the nearest police-station any person who shall be discovered in committing or attempting to commit any such offence as in the last preceding section mentioned, and who shall refuse to give his name and residence, and is unknown to such servant

Servant of promoters may arrest persons avoiding payment of fare

34 No person shall be entitled to carry or to require to be carried on any tramway any goods which may be of a dangerous or offensive nature, and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book keeper or other servant of the promoters with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding fifty rupees for every such offence, and it shall be lawful for the promoters to refuse to accept or carry any parcel that they may suspect to contain goods of a dangerous or offensive nature, or to require the same to be opened to ascertain the fact

Carriage of dangerous or offensive goods

35 Any person offending against any by law made under the provisions of this Act shall forfeit for every offence any sum not exceeding twenty rupees to be imposed in such by laws as a penalty for such offence

Penalty for breach of by laws.

PART V.

MISCELLANEOUS

36 The promoters shall be answerable for all accidents, damages and injuries happening through their act or default, or through the act or default of any person in their employment by reason or in consequence of any of their works or carriages, and in all cases where the promoters are not the local authority they shall save harmless the local authorities and their respective officers and servants from all damages and costs in respect of such accidents, damages and injuries

Promoters to be responsible for all damages.

Power for the local authority or police to regulate traffic on roads

37 Nothing in this Act shall limit the powers of the local authority or the police to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and such local authority or police may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the promoters as to the traffic of other persons

The local authority shall not be liable to pay to the promoters any compensation for loss of traffic occasioned by the reasonable exercise of such authority

Reservation of power over roads

38 Nothing in this Act shall be construed to prevent the local authority or any corporate body or persons, in the exercise of the powers conferred upon them under any law for the time being in force, from opening, breaking up, widening altering, diverting or improving any of the roads, bridges, drains or culverts traversed by the tramways for the purposes for which they may now lawfully open, break up, widen, alter, divert or improve the same

Provided—

(1) that they shall cause as little detriment or inconvenience to the promoters as circumstances admit,

(2) that they may (if absolutely necessary, but not otherwise) order the temporary stoppage of traffic on the tramways or any of them on giving twenty four hours' previous notice in writing to the promoters,

(3) that before they commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the promoters notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given eighteen hours at least before the commencement of the work,

(4) that, in the event of their so interfering with or stopping the running of any tramway under this section, an abatement proportion to the length of road over which and time during which running is stopped, shall be made from the rent (if any) reserved and payable by the promoters,

(5) that any alteration of the position of any of the tramways, or the making good of any injury or damage that may be occasioned thereto by reason of such widening, alteration or improvement shall be executed by the promoters at the expense of the local authority.

Discontinuance of Tramways

Tramways to be removed in certain cases.

39 If at any time after the opening of any tramway for traffic the promoters discontinue the working of such tramway or of any part thereof for the space of three calendar months (such discontinuance not being occasioned

by circumstances beyond the control of such promoters, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), and such discontinuance is proved to the satisfaction of the Local Government [1] the Local Government [1], if it think fit, may by order declare that the powers of the promoters in respect of such tramway or the part thereof so discontinued shall from the date of such order be at an end, and thereupon the said powers of the promoters shall cease and determine unless the same are purchased by the local authority in manner by this Act provided

Where such order has been made the Engineer or other officer appointed on that behalf by the Local Government[1] may, at any time after the expiration of two months from the date of such order, remove the tramway or part of the tramway so discontinued, and the promoters shall pay to such Engineer or officer the cost of such removal and of the making good of the road by such Engineer or officer

Such cost to be certified by such Engineer or officer, whose certificate shall be final and conclusive

And, if the promoters fail to pay the amount so certified within one calendar month after delivery to them of such certificate or a copy thereof, such Engineer or officer may without any previous notice to the promoters (but without prejudice to any other remedy which he may have for the recovery of the amount) sell and dispose of the materials of the tramway or part of the tramway removed, either by public auction or private sale, and for such sum or sums and to such person or persons as such Engineer or officer may think fit, and may out of the proceeds of such sale make and reimburse himself the amount of cost certified as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by the said Engineer or officer to the promoters

Inability of Promoters

40 If at any time after the opening of any tramway it appears to the local authority, or to the Magistrate of the district in which such tramway is situate, that the promoters of such tramway are insolvents, or that they are unable to maintain such tramway, or work the same with advantage to the public, **Proceedings in case of inability of promoters**

the Local Government [1] upon a representation to that effect made by such Magistrate or local authority, may direct an inquiry by a referee into the truth of the representation,

and if the referee shall find that the promoters are such insolvents, or that they are unable to maintain such tramway or work the same with advantage to the public, the Local Government [1] may by order, declare that the powers

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl. I in Vol I pp. 623 624

of the promoters shall, at the expiration of six calendar months from the making of the order, be at an end,

and the powers of the promoters shall cease and determine at the expiration of the said period unless the same are purchased by the local authority in manner by this Act provided, and thereupon the Engineer or other officer appointed on that behalf by the Local Government [1] may remove the tramway in like manner, and subject to the same provisions as to the payment of the costs of such removal, and to the same remedy for the recovery of such costs in every respect, as in cases of removal under the last preceding section.

Purchase of Tramways

Local authority to have right of purchasing tramway after twenty one years

41. The Local authority shall have the right of purchasing the tramway, with the plant, buildings, stores, rolling stock and everything connected therewith, upon the expiration of twenty one years from the date of the order of the Local Government [1] authorizing the construction of such tramway, upon declaring its intention so to do in writing not less than six months before the expiration of the said twenty one years, and shall have a renewed right of purchase at the end of every seven years after the expiration of the said twenty-one years upon similar notice being given, and the value to be placed upon the tramway shall be calculated in a manner to be settled in the agreement entered into between the promoters and the said local authority and set forth in the order of the Local Government.

Provided that the promoters and the local authority may, with the consent of the Local Government, [1] provide in the said agreement for the sale and purchase of the tramway on the expiration of any shorter [2] [or longer] periods than those hereinbefore specified.

L. ... al and Assam

... (Amendment)

BENGAL ACT 3 OF 1884

(THE BENGAL MUNICIPAL ACT, 1884)

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BENGAL ACT 3 OF 1884[1]

(THE BENGAL MUNICIPAL ACT, 1884).

[*7th May*, 1884.]

An Act to amend and consolidate the law relating to municipalities

ble WHEREAS it is expedient to consolidate and amend the law

LOCAL

(1)

(2)

s 8, *post*, p 42

to *post*, pp 53 and 44

341 to 344)

FURTHER ENACTMENTS —Other enactments relating to Municipalities, which are printed in this Code, are—

POWERS, ETC., OF LOCAL AUTHORITIES

Municipal Commissioners are "Local Authorities"—*see*—

(a) the General Clauses Act, 1897 (10 of 1897), s 3, cl (28), in General Acts, 1891 98, Ed. 1899, p 319, and

(b) the Bengal General Clauses Act, 1899 (Ben Act 1 of 1899), s 3, cl (23), *post*, p 416.

[*For further notes, see next two pages*

(*Preamble.*)

relating to municipalities within the territories subject to the government

(1) *Acquisition of land* —As to the acquisition of land for local authorities, *see*—

(*a*) the Land Acquisition Act, 1894 (1 of 1894), s 50, in General Acts, 1891 98, Ed 1899, p 116, and

(*b*) the Land Acquisition (Mines) Act 1885 (18 of 1885), s 14, in General Acts, 1885 90, Ed 1898, p 27

As to the acquisition of land for Municipalities, *see* also—

(*a*) the Bengal Municipal Act, 1876 (Ben Act 5 of 1876), ss 36 to 38, in Vol II, pp 228, 229 and

p 259

(4) *Income tax* —As to annual returns by principal officers of local authorities, to facilitate recovery of income tax, *see* the Indian Income tax Act, 1886 (2 of 1886), s 10 in General Acts, 1885 90 Ed 1898, p 35

(5) *Leper asylums* —As to the power of local authorities to expend funds for, and appropriate property to, leper asylums, *see* the Lepers Act, 1898 (3 of 1898) s 17, in General Acts 1891 98, Ed 1899 p 349

(6) *Loans* —As to loans to local authorities *see*—

(*a*) the Local Authorities Loan Act, 1879 (11 of 1879), in General Acts, 1877 81, Ed. 1898, p 259,

(*b*) the Local Authorities (Emergency) Loans Act, 1897 (12 of 1897), in General Acts, 1891 98 Ed 1899, p 330,

(*c*) the Local Authorities Loan Act, 1904 (3 of 1904) and

(*d*) the Local Authorities Loan (Amendment) Act 1907 (5 of 1907)

(7) *Petroleum* —For power to limit the operation of any enactment relating to local authorities, and the exercise of any power conferred by any such enactment in so far as the enact

(10) *Tolls* —As to the exemption of persons and property belonging to the Army from tolls imposed by local authorities, *see* the Indian Tolls (Army) Act, 1901 (2 of 1901), in General Acts, 1899 1903, Ed 1904, p 142

(11) *Tramways and railways* —As to the powers of local authorities in respect of tramways, *see*—

(*a*) the Indian Tramways Act, 1886 (11 of 1886) in General Acts 1885 90, Ed 1898, p 73, and

(*b*) the Bengal Tramways Act, 1883 (Ben Act 3 of 1883), *ante*, p 6

The funds of Municipalities are applicable to the construction of tramways—*see* s 69 cl (i), of the present Act *post* p 66

As to payment by local authorities, of cost of bridges at railway level crossings, *see* the Indian Railways Act, 1890 (9 of 1890) s. 14 in General Acts 1885-90, Ed. 1898 p 418

As to control over the taxation of railways by local authorities *see ibid* s. 135 in *ibid*, p 455

OTHER STATUTORY PROVISIONS AS TO MUNICIPALITIES

(12) *Brothels and Disorderly Houses* —As to the discontinuance of brothels and disorderly houses *see* the Eastern Bengal and Assam Disorderly Houses Act, 1907 (E B and A Act 2 of 1907), *post* p 474

(13) *Drainage* —As to the payment by Municipalities, of the cost of drainage schemes undertaken under the Bengal Sanitary Drainage Act 1895 (Ben Act 8 of 1895) and as to making addition to the tax on persons or the rate on the annual value of holdings for the purpose of securing the requisite funds, *see* s 25 of that Act, *post*, p 345

(14) *Exclusion of Local Self Government Act* —The Bengal Local Self Government Act, 1885 (Ben Act 3 of 1885), does not extend to municipalities—*see* s 1 of that Act, *post*, p 178

[*For further notes, see next page*

(*Preliminary —Secs* 1, 2)

of the Lieutenant Governor of Bengal[1] It is enacted as follows —

PRELIMINARY

Short title and commencement

1 This Act may be called the Bengal Municipal Act, 1884

[*And it shall come into force on such date* [2] *as the Lieutenant-Governor may direct, not being more than three months after the date on which it may be published in the Calcutta Gazette with the assent of the Governor General*]

* * * * * * *[3]

Enactments repealed

2 * * * [4] the enactments specified in the sixth schedule shall be repealed to the extent mentioned in the third column thereof

But this repeal shall not revive any office, authority or thing abolished by any such enactment, or affect the validity of anything done or suffered, or any right, title, obligation or liability accrued, before the commencement of this Act

And all rules and by laws prescribed, assessments, valuations, measurements, divisions and appointments made, powers conferred and notifications published under any such enactment, and all other rules (if any) now in force and relating to the matters hereinafter dealt with, shall (so far as they are

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[illegible]

(18) [illegible]

(19) [illegible] municip

(20) *Police* —For power of Local Government to charge the cost of police on the Port Fund of any port in or abutting on a municipality, see the Bengal Ports Act, 1867 (Ben Act 3 of 1867), ss 8 9, in Vol II, p 51

[illegible] and [illegible] "Local [illegible] Gazette, [illegible]

[3] The third clause of s 1, as to notifications etc, before the commencement of the Act was repealed by the Repealing and Amending Act, 1903 (1 of 1903), and is omitted

[4] The words 'On the commencement of this Act,' in s 2, were repealed by the same Act and are omitted.

consistent with this Act) be deemed to have been respectively prescribed, made, conferred and published hereunder

[1] [In every enactment passed before this Act comes into force in which reference is made to Bengal Act 3 of 1864 (the District Municipal Improvement Act), [2] or to any enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Act or to its corresponding part or section] Saving clause

* * * * * * [3]

[4] [The expression "notifications" as used in this section shall be deemed to include, and to have always included, all directions, declarations and orders given, or made, and published under any enactment referred to in this section "Notifications" defined

Provided that nothing in this definition shall be deemed to affect any decision or order of a competent Court made before the date on which this Act shall come into force]

In respect of all the matters aforesaid, the Commissioners under this Act shall be substituted for the Commissioners elected or appointed under the Bengal Municipal Act, 1876 [5] Ben. Act 5 of 1876

3 Every place which has been constituted a municipality under the provisions of the Bengal Municipal Act, 1876, [5] and has not been withdrawn from the operation of the said Act before this Act comes into force, shall, from the time when this Act shall come into force, be deemed to be constituted a municipality under the provisions of this Act Existing municipalities Ben. Act 5 of 1876.

4 All property, movable and immovable, and all interest of any kind whatsoever, derived under any of the enactments specified in the sixth Schedule, or otherwise, and vested in, or held in trust for, the late Commissioners under the said Bengal Municipal Act, 1876, [5] shall become vested in the Commissioners, and their successors, and all rights of whatsoever description used, enjoyed or possessed by the late Commissioners under any such enactment shall become vested in the Commissioners for the purposes of this Act All property of late Commissioners vested in Commissioners under this Act Ben. Act 5 of 1876.

5 Notwithstanding anything contained in section 3, this Act shall not take effect in any cantonment without the consent of the Governor General Act not to be extended to cantonments

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[1] This clause in s 2 was substituted for the original clause by the Bengal Municipal (Amendment) Act, 1894 (Ben Act 4 of 1894) s 2 (2), *post*, p 292 The original clause ran thus—

"And all references to any such enactment shall (so far as may be practicable) be deemed to be made to this Act"

[2] The District Municipal Improvement Act 1864 It was repealed by Bengal Act 5 of 1876, and the latter Act has again been repealed by s 2 of the present Act, wherever this Act is in force

[3] The fifth clause of s 2 as to pending proceedings was repealed by the Repealing and Amending Act 1903 (1 of 1903), and is omitted.

[4] These clauses in square brackets were added by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894) s. 2 (1), *post*, p. 292.

[5] The Bengal Municipal Act, 1876 (Ben. Act 5 of 1876), has been repealed by s. 2 of the present Act, wherever this Act is in force

without consent of Governor General. in Council previously obtained, nor shall the Local Government [1] extend this Act, or any part thereof, to any cantonment without such consent.

Definitions. 6. In this Act, unless there be something repugnant in the subject or context,—

"Carriage." (1) "carriage" means any wheeled vehicle with springs used for the conveyance of human beings and ordinarily drawn by animals:

"Cart." (2) "cart" means any cart, hackery or wheeled vehicle with or without springs ordinarily drawn by animals, and not included in the definition of "carriage":

"Holding." (3) "holding" means land held under one title or agreement and surrounded by one set of boundaries:

Provided that where two or more adjoining holdings form part and parcel of the site or premises of a dwelling house, manufactory, warehouse, place of trade or business, such holdings shall be deemed to be one holding for the purposes of this Act other than those mentioned in clause (*a*) of section 85.

Explanation.—Holdings separated by a road or other means of communication shall be deemed adjoining within the meaning of this proviso:

"House." (4) "house" includes any hut, shop, warehouse or building:

"Immovable property." (5) "immovable property" and "land" include (besides land) benefits arising out of land, houses, things attached to the earth, or permanently fastened to anything attached to the earth:

"Movable property." (6) "movable property" means property other than immovable property:

"Magistrate of district." (7) "Magistrate of the district" [2] means the Chief Magistrate in a district:

"The Magistrate." (8) "the Magistrate" includes the Magistrate of the district, [2] the Magistrate in charge of a division of the district in which division a municipality is constituted, and every Magistrate subordinate to the Magistrate of the district [2] to whom the Magistrate of the district [2] may have made over any duties under this Act:

"Municipality." (9) "municipality" means any place in which this Act, or any part thereof, is in force:

"Offensive matter." (10) "offensive matter" means dirt, dung, putrid or putrefying substances, and filth of any kind not included in the term "sewage":

"Owner." (11) "owner" includes—

(*a*) every person who is entitled for the time being to receive any rent in respect of the land with regard to which the word is used, whether from the occupier or otherwise;

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[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3 and Sch. D, Pt. I, cl. I, in Vol. I, pp. 623-624.

[2] In Assam, the Deputy Commissioner—*see* the Assam Local Statutory Rules and Orders Supplt., 1901, p. 12.

(*b*) a manager on behalf of any such person,

(*c*) an agent for any such person,

(*d*) a trustee for any such person

Provided that no such manager, agent or trustee shall be liable to do anything required by this Act to be done by the owner nor shall he be subject to any fine for omitting to do such thing unless he have sufficient funds in his hands as such manager, agent or trustee to do such thing

(12) "Part" means a Part of this Act "Part"

(13) "road" means any road, street, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of way "Road."

(14) "rubbish" means broken brick, mortar, broken glass, kitchen or stable refuse, or refuse of any kind whatsoever not included in the term "offensive matter" "Rubbish"

[1] [(14*A*) "Sanitary Board" means the persons for the time being appointed, either by name or by official designation, by the Local Government, [2] by notification in the Calcutta Gazette, [3] to constitute a Sanitary Board for Bengal [4]] "Sanitary Board"

(15) "schedule" means a schedule annexed to this Act "Schedule"

(16) "section" means a section of this Act "Section"

(17) "sewage" means night-soil and other contents of privies, drains and cess pools "Sewage"

(18) "the Commissioners" means the persons for the time being appointed or elected to conduct the affairs of any municipality under this Act "The Commissioners"

(19) "year" means a year beginning on the first day of April, or on such other date as may hereafter be fixed for any municipality by the Local Government [2] by notification in the Calcutta Gazette [3] "Year"

PART I

OF THE CREATION OF MUNICIPALITIES

7 In every place which in accordance with the provisions of section 3, becomes a municipality under this Act, every person who has been appointed or elected to be a Commissioner for such place under the Bengal Municipal Existing Commissioners and existing rates and

[1] Clause (14A) was inserted by the Bengal Municipal (Amendment) Act 1894 (Ben Act 4 of 1894) s 3 *post* p 292

I —*see* the Bengal and Assam Laws Act 1905 (7 of 1905) pp 623 6?4

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taxes temporarily continued.

Act, 1876,[1] and who is holding office as such Commissioner at the commencement of this Act, shall be deemed to be a Commissioner duly appointed for such municipality, until such time as the election or appointment of Commissioners in respect of such municipality shall take effect under the provisions of this Act

And in every such place in which a rate on the annual value of holdings, or a tax upon persons, or a tax upon carriages and animals, or a fee upon the registration of carts, or tolls on roads or on ferries, or a fee under Bengal Act 6 of 1878 [2] may have been levied by the Municipal Commissioners before the commencement of this Act, it shall be deemed that the said rate, tax, fee or tolls have been duly imposed under this Act, and such rate, tax, fee or tolls shall continue to be levied accordingly until the Commissioners at a meeting, with the sanction of the Local Government, [3] shall otherwise direct

Local Government may extend Act

8 Except as is hereinafter otherwise expressly provided, this Act may be extended by the Local Government[3] by notification published in the Calcutta Gazette, [4] and in the manner prescribed by section 354, to any town or village not being within the limits of the ordinary original jurisdiction of the High Court at Fort William in Bengal, from such date as may be specified in such notification, and, save as is hereinafter otherwise provided, this Act shall take effect in such town or village on the date so specified, and the said town or village, within the limits mentioned in such notification shall be deemed to be created a municipality for the purposes of this Act

Provided that, at least six weeks before publishing any notification as aforesaid, the Local Government[3] shall cause to be published in the town or village concerned a notice of its intention to declare the said town or village to be a municipality, unless good reason to the contrary be shown within one month

Any objections which may be made to the proposed measure shall be duly considered by the Local Government [3] before it causes to be issued the notification declaring the town or village to be a municipality under this Act

Every notification declaring a town or village to be a municipality shall specify whether the name of such municipality shall, or shall not, be inserted in the first or second schedule of this Act, and shall further specify, subject to the provisions of section 13, the number of the Commissioners of such municipality

[1] Bengal Act 5 of 1876 has been repealed by s 2 of the present Act, wherever this Act is in force

[2] Bengal Act 6 of 1878 (Latrines) has been repealed by s. 2 of this Act It was never extended to Assam.

[3] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905), s 3 and Sch D, Pt I, cl I, in Vol I, pp 623 624

[4] Now the E B and A Gazette—see the Bengal and Assam Laws Act, 1905 (7 of 1905), s 3 and Sch. D, Pt I cl. VII, in Vol I pp 623, 625

[1] 9 The Local Government [2] may, on the recommendation of the Commissioners at a meeting, by notification published in the Calcutta Gazette, [3], and in such other manner as it may determine, declare its intention—

Notification of intention to alter limits of municipality

(*a*) to withdraw any municipality from the operation of this Act, or

(*b*) to exclude from a municipality any local area comprised therein and defined in the notification, or

(*c*) to include within a municipality any local area contiguous to the same and defined in the notification, or

(*d*) to sub divide any municipality into two or more municipalities, or

(*e*) to alter the number of the Commissioners of a municipality

And the Local Government [2] may, on the recommendation of the Commissioners at a meeting of both or all the municipalities concerned, by notification similarly published, declare its intention to unite two or more municipalities so as to form one municipality

Provided that no local area shall be included within a municipality unless the Local Government [2] shall have been satisfied that three fourths of the adult male population of such local area are chiefly employed in pursuits other than agriculture

Provided also that whenever it shall appear, either from a general census or from special inquiries undertaken in this behalf, that any municipality does not comply with the conditions laid down in section 10, the Local Government [2] may, of its own motion, declare its intention to withdraw such municipality from the provisions of this Act or to deal with it in the manner stated in this section

Provided also that, where the local area to be excluded or included is a cantonment or part of a cantonment, no notification affecting it shall be published under this section without the previous consent of the Governor General in Council

[1] 9A (1) Any rate payer of a municipality, inhabitant of a local area, or, when the union of two or more [illegible] Commissioners of any one or more [illegible] a notification has been published un[illegible] he or they object to the alteratio[illegible]

Objection to proposed [illegible]

[1] The ss 9, 9A and 9B here printed were substituted for the original s 9 by the Bengal Municipal (Amendment) Act, 1894 (Ben Act 4 of 1894), s 4, *post*, p. 292 The original s. 9 ran as follows —

"9. The L[illegible] [illegible]issioners at a [illegible] municipality, [illegible] withdraw any [illegible] number of the [illegible]

[illegible] gal and Assam [illegible] 24 [illegible] ct, 1905 (7 of [illegible]

in writing, through the District Magistrate [1] to the Local Government [2] within six weeks from the publication of the notification in the Calcutta Gazette, [3] and the Local Government [2] shall take such objection into consideration

(2) When six weeks from the publication of the notification have expired and the Local Government [2] has considered the objections (if any) which have been submitted under sub section (1) of this section, the Local Government [2] may, by notification, give effect to the proposed alteration or not, as the case may be

Local Government may apportion and dispose of municipal property upon a sub-division or union of municipalities.

[4] 9B Whenever two or more municipalities are united or a municipality is sub divided, under the two last preceding sections, the Municipal Funds or Fund and all property vested in the Commissioners of the municipalities or municipality concerned shall be consolidated, or apportioned in such manner as the Local Government [2] may direct

Conditions on which municipality may be created.

10 This Act shall not be extended to any town or village unless the Local Government [2] shall have been satisfied that three fourths of the adult male population of such town or village are chiefly employed in pursuits other than agricultural, and that such town or village contains a number of inhabitants, not being less than three thousand and an average number of not less than one thousand inhabitants to the square mile of the area of such town or village

11 & 12 [*Local Government may unite places to a municipality —Land between municipality and place united to form part of municipality*] *Rep by the Bengal Municipal (Amendment) Act*, 1894 (*Ben Act 4 of* 1894, *s* 5)

PART II

OF THE MUNICIPAL AUTHORITIES

Of the Constitution of the Municipality

Number of Commissioners.

13 The number of Commissioners of a municipality constituted before the passing of this Act shall be such number as may be specified in a notification of the Local Government, [2] to be issued immediately after this Act comes into force, and to be published in the Calcutta Gazette [3] or in any subsequent notification under section 9

[1] In Assam the Deputy Commissioner—*see* the Assam Local Statutory Rules and Orders, Supplt. 1901 p 12

[2] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905) s. 3, and Sch. D, Pt I cl I in Vol. I, pp 623 624

[3] Now the E. B and A Gazette—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s 3 and Sch D, Pt I, cl VII, in Vol I pp 623, 625.

[4] S. 9B is new—*see* footnote [1] on p 43, and

The number of Commissioners of each municipality created under the provisions of section 8 of this Act shall be such number as is specified in the notification of the creation of such municipality or in any subsequent notification under section 9

Provided that the number of Commissioners of a municipality shall in no case be more than thirty or less than nine

Provided further, that no act of the Commissioners, or of their officers, shall be deemed to be invalid by reason only that the number of the Commissioners did not at the time of the performance of such act, amount to the number specified in the notifications aforesaid

Constitution of body of Commissioners

14 Two thirds of the number of the Commissioners of each municipality fixed by such notification, shall be elected as hereinafter provided by male persons resident within the limits of such municipality, who shall have attained the age of twenty-one years

The remaining one third of such Commissioners shall be appointed, [1] [either by name or by official designation,] by the Local Government[2] immediately after the result of the election hereinbefore mentioned shall have been notified to the Local Government, [2] and such appointment shall be deemed to have been made on the date on which such election takes place

Provided that the number of persons holding salaried offices under the Government, and appointed as Municipal Commissioners, shall not bear a larger proportion than one fourth to the total number of Commissioners elected and appointed under the provisions of this Part

Provided also that in cases where the whole number of Commissioners is not evenly divisible by three or by four, the one third or one fourth shall be ascertained by taking the number next below the whole number, which is evenly divisible by three or by four as the number to be divided

Rules to be laid down for election

15 For the purposes of the aforesaid election of Commissioners, the Local Government [2] with respect to each municipality, shall lay down such rules, not inconsistent with the provisions of this Act, as it shall think fit in respect of the division, where necessary, of each municipality into wards, and the number of Commissioners to be elected for each of such wards, the qualifications required to entitle any person to vote for a candidate for election and in respect of the mode of election, [3] [and the authority who shall decide disputes thereunder] And the Local Government [2] may at any time cancel any rule made by it under this section

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post p 293.

Provided that every male person who is at the time of such election, and has been for a period of not less than twelve months immediately preceding such election, resident within the limits of a municipality, and who—

[1] [(i) has, during the year immediately preceding such election, paid in respect of any rates an aggregate amount of not less than three rupees, or]

[1] [(ii) has, during the year aforesaid, paid or been assessed to the tax imposed by Act 2 of 1886 [2] (*an Act for imposing a tax on income derived from sources other than agriculture*), or]

[1] [(iii) being a graduate or licentiate of any University, or having passed the First Arts Examination of the Calcutta University, or the corresponding standard of any other University, or holding a license, granted by any Government Vernacular Medical School, to practise medicine or holding a certificate authorizing him to practise as a pleader or as a mukhtár or as a revenue agent—occupies a holding, or part of a holding, in respect of which there has been paid during the year aforesaid in respect of any rates, an aggregate amount of not less than three rupees,]

shall be entitled to vote at the election of Commissioners of such municipality

No person who is not entitled to vote at the election of Commissioners of a municipality shall be deemed qualified for election to be a Commissioner of such municipality

[3] [Provided that nothing contained in this section nor in any rules made under the authority of this Act shall be deemed to affect the jurisdiction of the Civil Courts]

"Rates" defined

[3] [The term "rates" in this section [4] [means]—

(*a*) the tax upon persons and the rate upon the annual value of holdings levied under section 85 ,

(*b*) the tax on carriages and horses levied under Part IV ,

(*c*) the water rate on the annual value of holdings levied under Part VII ,

(*d*) the lighting rate on the annual value of holdings levied under Part VIII ,

(*e*) the fee for the cleansing of privies and cess pools levied under Part IX]

[5] [*Explanation* —Rules made under this section may reduce, but not

raise, any of the sums mentioned in the first proviso thereto, and may declare that any persons who are not referred to in that proviso shall be entitled to vote.]

First election of Commissioners.

16. The first election of Commissioners under this Act may take place at such time, not being more than six months after this Act comes into force, as the Local Government [1] shall direct.

On failure of election, Commissioners to be appointed by Government.

If the persons entitled to elect Commissioners for any municipality fail within the time appointed for the first election under this Act, or for every subsequent election within the time prescribed by the rules mentioned in the last preceding section, to elect the whole number of Commissioners allotted for election to such municipality, the Local Government [1] may appoint one or more Commissioners to complete the number so allotted as aforesaid.

Certain municipalities excluded from elective system.

17. Every municipality mentioned in the first Schedule of this Act shall be excluded from the operation of the three last preceding sections, and in any municipality so excluded the whole number of the Commissioners shall be appointed by the Local Government [1] [either by name or by official designation], [2] subject, however, to the proviso contained in the third clause of section 14.

It shall be lawful for the Local Government [1] at any time to remove the name of any municipality from the said Schedule.

18. [*Resignation of Commissioners.*] *Rep. by the Bengal Municipal (Amendment) Act,* 1894 (*Ben. Act* 4 *of* 1894), *s.* 9.

Removal of Commissioner by Local Government.

19. The Local Government [1] may, if it thinks fit, on the recommendation of the Commissioners at a meeting, remove any Commissioner appointed or elected under this Act, if such Commissioner shall have been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct.

Removal of Commissioner by Commissioner of the Division.

[3] 20. (1) The Commissioner of the Division [4] may remove any Commissioner—

(*a*) if he refuses to act or becomes incapable of acting, or is declared insolvent, or is convicted of any non-bailable offence; or

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nvicted of a non bailable offence or shall have been declared insolvent by a competent Court, shall cease to be a Commissioner."

[4] Now,—

ordinary, of same date)

(*b*) if he has been declared by notification to be disqualified for employment in the public service , or

(*c*) if he absents himself from six consecutive meetings of the Commissioners without having obtained permission from the Commissioners at a meeting , or

(*d*) if, in the judgment of the Commissioner of the Division, [1] to be recorded in writing, he has become disqualified to continue in office under section 57

Provided that any Commissioner so removed may appeal to the Local Government [2]

(2) All acts and proceedings of any Commissioner so removed shall, if done previously to such removal be valid and effectual to all intents and purposes

Tenure of office of Commissioner

21 Every Commissioner shall vacate his office at the end of three years from the date of his appointment or election as such Commissioner

Certain Commissioners not to be elected or re elected without consent of Local Government.

[3] 22 No Commissioner who has been removed from his office by the Local Government [2] under section 19, or by the Commissioner of the Division, [1] under clauses (*a*) and (*b*) of sub section (1) of section 20, may be elected or re elected a Commissioner without the consent of the Local Government [2]

Appointment of Chairman

[4] 23 (1) The Local Government [2] shall appoint, either by name or

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[1] Now —

in the districts of Goalpára, Kamrup and Lakhimpur the Commissioner of the Assam Valley Districts (*see* the Assam Local Statutory Rules and Orders 1893 p 58 and Correction Slip No 282) , and

in the district of Sylhet, the Commissioner of the Surma Valley and Hill Districts (*see* Notfn. No 12 C dated 16th October 1905 in E. B and A Gazette, Extra

by official designation, the Chairman of every municipality mentioned in the second Schedule of this Act

(2) The Commissioners of every municipality, the name of which is not included in the said Schedule, shall at a meeting, elect one of their number to be Chairman, or may, whenever a vacancy occurs, at a meeting attended by not less than two thirds of the Commissioners, request the Local Government[1] to appoint a Chairman, and such Chairman shall be appointed by name

(3) The Local Government [1] may at any time remove a Chairman appointed by it

(4) The Local Government [1] may at any time remove the name of any municipality from the said Schedule

(5) Whenever the name of any municipality is removed from the said Schedule, the office of Chairman shall thereupon become vacant

Status and tenure of office of Chairman.

24 Notwithstanding anything in section 13 contained, every Chairman appointed under the last preceding section, if not already a Commissioner of the municipality of which he shall have been appointed Chairman, shall, from the date of his appointment, during the term of his office, enjoy all the rights and privileges of a Commissioner of the municipality to which such appointment relates, but shall not be reckoned in calculating the proportions of one third and one fourth under the provisions of section 14

[2] [Except as is otherwise provided in this Act] every Chairman, whether appointed or elected, shall hold office for three years from the date of his appointment or election and shall be eligible for re appointment or re election

A Chairman elected under the last preceding section may at any time be removed from his office by a resolution of the Commissioners in favour of which not less than two thirds of the whole number of the Commissioners have given their votes at a meeting specially convened for the purpose

Election of Vice-Chairman.

25 The Commissioners at a meeting shall elect one of their own number to be Vice Chairman He shall hold office for three years from the date of his election, and shall be eligible for re election on the expiration of his term of office

The Vice Chairman may at any time be removed from his office by a resolution of the Commissioners in favour of which not less than two thirds of the whole number of the Commissioners shall have given their votes at a meeting specially convened for the purpose

Ex officio appointments.

[3] 25A If a Chairman or a Commissioner is appointed by official designation, the person for the time being holding the office shall be a Chairman or a Commissioner, as the case may be

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(*Part II —Of the Municipal Authorities —Secs* 26 27A)

Tenure of office under sections 21, 24 and 25.

26 The term of three years mentioned in sections 21, 24 and 25 shall be held to include any period which may elapse between the expiration of the said three years and the date of the [1] [first meeting of the body of Commissioners newly appointed and elected at which a quorum shall be present, and any Chairman elected under sections 23 or 27 shall be competent to discharge the duties of his office after his election and pending the orders of the Local Government approving of his election]

Resignation of Chairman and Vice Chairman

[2] 26A Notwithstanding anything contained in sections 24, 25 and 27A, the Chairman and Vice Chairman of every municipality shall resign office at the first meeting of the Commissioners newly appointed and elected at which a quorum shall be present

The meeting shall thereupon proceed—

(*a*) to elect, or to request the Local Government [3] to appoint, a Chairman, and

(*b*) to elect a Vice Chairman

Provided that if the municipality is in the second Schedule of this Act, or if the meeting decides to request the Local Government [3] to appoint a Chairman, the resignation of the Chairman shall not take effect until a new Chairman is appointed

Leave may be granted to Chairman or Vice-Chairman.

[4] 26B The Commissioners at a meeting may grant leave of absence to their Chairman or Vice Chairman for any period not exceeding three months in any one year

Appointment or election of Commissioner Chairman or Vice Chairman for unexpired term of office or during term of leave of absence

27 If any Commissioner, Chairman or Vice Chairman shall be unable to complete his full term of office, [5] [or shall avail himself of leave granted under section 26B,] the vacancy caused by his resignation or removal, or death [6] [or absence on leave] shall be filled by the appointment or election, as the case may be, of another person, and the person so appointed or elected shall fill such vacancy for the unexpired remainder of the term for which such Commissioner, Chairman or Vice Chairman would otherwise have continued in office [7] [or during his absence on leave, as the case may be]

Resignation of Chairman Vice Chairman or Commissioner

[8] 27A (1) A Chairman of a municipality may resign by notifying in writing his intention to do so to the Local Government, [3] and on such resignation being accepted, shall be deemed to have vacated his office

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[1] The words and figures in square brackets in s 26 were substituted for the original words by the Bengal Mun cipal (Amendment) Act 1894 (Ben Act 4 of 1894) s 15 *post*, p. 293

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[8] S 27A was inserted by s 19 of the same Act *post*, p 293.

(2) A Vice Chairman or a Commissioner of a municipality may resign by notifying in writing his intention to do so to the Chairman, who shall forthwith lay such notice before the Commissioners at a meeting, and on such resignation being accepted by such Commissioners, shall be deemed to have vacated his office

28 The Chairman and Vice Chairman of any municipality may, if the Commissioners think fit receive such allowances out of the municipal fund as shall from time to time be fixed at a meeting by the Commissioners

Allowances of Chairman and Vice Chairman

[1] [And in the case of a salaried Chairman or Vice Chairman, the Commissioners may grant such leave allowances as they may from time to time determine at a meeting

Provided that the allowance so granted together with the acting allowance, if any, of the officiating incumbent shall not exceed the salary fixed for the office]

29 The Commissioners shall, in the name of their Chairman, by the description of 'the Chairman of the Municipal Commissioners of " be a body corporate, and have perpetual succession, and a common seal, and in such name shall sue and be sued

Incorporation of Commissioners

Such common seal shall have the name of the municipality engraved thereon in legible characters in the English language, and also in the vernacular of the district

[2] 29A (1) The powers and functions of the Local Government [3] under sections 30 255, 259 and 331 may be delegated by the Local Government[3] to Commissioners of Divisions [4]

Delegation of certain powers and functions of Local Government

(2) In regard to powers or functions delegated to them under this section, Commissioners of Divisions [4] shall have the same authority as the Local Government [3] and the delegation shall continue until revoked by the Local Government [3]

(3) A delegation under this section may be of all or any of the powers and functions aforesaid, and may be made generally in regard to all the municipalities within the division of the Commissioner,[4] or it may be made particularly in regard to certain municipalities only

(4) The delegation may be by name or by official designation, and shall, in each case, be notified in the Calcutta Gazette [5]

[1] These clauses in square brackets in s 28 were added by the Bengal Municipal (Amendment) Act 1894 (Ben Act 4 of 1894) s 20 post p 294

[2] S 29A was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894)

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(7 of 1905),

Of the Property of the Commissioners

Public roads, etc, vested in the Commissioners

30 All roads, [1] [including the soil, and all] bridges, tanks, ghats, wells, channels and drains in any municipality (not being private property and not being maintained by Government or at the public expense), now existing, or which shall hereafter be made, and the pavements, stones and other materials thereof, and all erections, materials, implements and other things provided therefor, shall vest in, and belong to, the Commissioners

But the Local Government [2] may, from time to time, by notification, [3] exclude any road, bridge or drain from the operation of this Act [4] [or of any specified section of this Act] and may cancel such notification wholly or in part

Provided that, if the cost of the construction of the work shall have been paid from the municipal fund, such work shall not be excluded from the operation of this Act [5] [or of any specified section of this Act] without the consent of the Commissioners at a meeting

Commissioners may, with consent of owners, take over and repair roads, etc

31 The Commissioners at a meeting may agree with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain is vested to take over the property therein or the control thereof, and after such agreement may declare, by notice in writing put up thereon or near thereto, that such road, bridge, tank, ghat, well, channel or drain has been transferred to the Commissioners

Thereupon the property therein, or the control thereof (as the case may be), shall vest in the Commissioners, and such road, bridge, tank, ghat, well, channel or drain shall thenceforth be repaired and maintained out of the municipal fund

Existing hospitals schools, rest houses, etc, may be vested in the Commissioners

32 Every hospital, dispensary, school, rest house, ghat and market, not being private property or the property of a religious institution or society, and all medicines, furniture and other articles appurtenant thereto, not being such property, which at and after the commencement of this Act shall be found within any municipality, may, by order of the Local Government [6] duly published on the spot, be vested in the Commissioners of such municipality, and thereupon all endowments or funds belonging

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[1] [illegible] ted by the Bengal Municipal [illegible]

[2] [illegible] —*see* the Bengal and Assam [illegible] I, pp 623 624 As to the [illegible] rnment's power, *see* s 29A, *ante*, p. 51

[3] The D[illegible] (Ben. [illegible] such r[illegible] s 30 [illegible]

[4] [illegible] the Be[illegible]

[6] [illegible] Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3, and Sch. D, Pt I, cl. I, in Vol. I pp 623 624.

thereto shall be transferred to, and vested in, such Commissioners as trustees for the purposes to which such endowments and funds were lawfully applicable at the time of such transfer

Provided that no such order shall be published until one month after notice of the intention to transfer such property shall have been published in the Calcutta Gazette, [1] and within the municipality in the vernacular language of the district

Transfer to be conditional in certain cases.

33 If the Commissioners at a meeting shall, after publication of the notice mentioned in the last preceding section, object to the transfer to themselves of any hospital, dispensary, school, rest house, ghat or market, on the ground that their funds cannot bear the charge, then such transfer shall not be made save under such conditions as the Commissioners at a meeting may agree to accept

Power to purchase, lease and sell lands

34 The Commissioners at a meeting may purchase or take on lease any land for the purposes of this Act, and may sell, let, exchange or otherwise dispose of any land not required for such purposes

Land may be taken up under Land Acquisition Act, 1870

35 The Local Government, [2] on the application of the Commissioners at a meeting that any land be acquired for the purposes of this Act, may, on being satisfied that the Commissioners are in a position to pay for such land either at once or in such instalments as the Local Government [2] may think proper, notify, under the provisions of the Land Acquisition Act, 1870, [3] or any similar Act for the time being in force for the acquisition of land for public purposes, that such land is required for a public purpose, and may cause such land to be acquired under the provisions of such Act, and, on payment by the Commissioners of the compensation awarded under such Act, the land shall vest in them for the purposes of this Act

Commissioners to pay cost of such land

36 The Commissioners shall be bound to pay to the Government the cost of any land which may be acquired for them on their application under the provisions of the last preceding section

Execution of contracts

37 The Commissioners may enter into and perform any contract necessary for the purposes of this Act

Every contract made on behalf of the Commissioners of a municipality in respect of any sum exceeding five hundred rupees, or which shall involve a value exceeding five hundred rupees, shall be sanctioned by the Commissioners at a meeting, and shall be in writing, and signed by at least two of the Commissioners, one of whom shall be the Chairman or Vice Chairman, and shall be sealed with the common seal of the Commissioners

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[1] Now the E B and A. Gazette—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s 3 and Sch D Pt I cl VII, in Vol I pp 623 (25.

[2] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam [illegible]

Unless so executed, such contract shall not be binding on the Commissioners

Formation of joint committees

[1] 37A The Commissioners of any municipality may join with the Commissioners of any other one or more municipalities, or with any district board[2] or with any cantonment authority, [3] or with more than one such board or cantonment authority in constituting out of their respective bodies a joint-committee, consisting of not more than two members from each of such bodies, for any purpose in which they are jointly interested, and in delegating to any such joint committee any power which might be exercised by either or any of the municipal bodies, or district boards, or cantonment authorities concerned, and such joint committee may from time to time frame rules as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which such joint committee is constituted [4]

Voluntary introduction of a water supply or system of drainage

[1] 37B Whenever it appears expedient to the Commissioners of any municipality, or to the Commissioners of a municipality acting conjointly with the Commissioners of any other municipality or municipalities, or with one or more of any of the local authorities specified in the last preceding section, to provide a supply of water for domestic purposes, or to introduce a system of drainage, [5] they may cause to be prepared a scheme and estimates of the cost of the works necessary for the purpose, together with such plans and specifications of the same as may be necessary, and may submit the same to the Local Government [6] through the Commissioner of the Division [7] within which the area, or the larger portion of the area, which it is proposed to supply with water or to drain is situated

Sanitary Board with a committee to consider and report on scheme

[1] 37C The Local Government [6] may refer such scheme, plans, specifications and estimates to the Sanitary Board, who,

in consultation with a committee consisting of one member to be appointed by the municipality or by each of the municipalities or other local authorities concerned, and one member to be appointed by the Commissioner of the Divi-

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[1] *Ss 37A to 37M were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben Act 4 of 1894) s 23, post,* p 294

[2] As to District Boards in Eastern Bengal, *see* the Bengal Local Self Government Act of [illegible]

[illegible]

post, p. 187

[illegible] *t, 1895 (Ben Act 8 of* [illegible]

[illegible] Bengal and Assam [illegible] 3 624

[illegible] different portions of Assam, *see* footnote [illegible] on p 47 *ante.*

sion [1] within which the area, or the larger portion of the area, which it is proposed to supply with water or to drain is situated,

shall consider the same and report thereon to the Local Government [2]

[3]37D The Local Government [2] shall consider the report, together with the plans, specifications and estimates, and may thereupon— Local Government may sanction, modify or refer scheme

(*a*) sanction the scheme, or

(*b*) add to, alter or modify the scheme and sanction the same so added to, altered or modified, or

(*c*) add to, alter or modify the scheme and refer the same so added to, altered or modified, together with the plans, specifications and estimates, to the Sanitary Board, who, in consultation with the said Committee, shall further consider the scheme so added to, altered or modified, and report thereon to the Local Government [2]

[3] 37E (1) When the scheme recommended for sanction extends to two or more municipalities or other local areas, the Sanitary Board, acting in consultation with the Committee, as constituted under section 37C, shall include in their report proposals for distributing the cost of the scheme, including its maintenance and working expenses, between or among the local authorities benefited Distribution of costs of scheme

(2) In the case of municipalities, such distribution shall be in proportion to the income derived by each from taxation, allowance being made for any difference in the degree of benefit conferred on each such as, in the case of a water supply scheme, the pressure at which the water is delivered, the facilities for procuring water, the distance from the head works, and the like

[3] 37F (1) When the scheme has been approved by the Local Government, [2] there shall be published, in the Calcutta Gazette [4] and locally in accordance with the provisions of section 354, the following particulars — Approved scheme to be published

(*a*) a general description of the scheme,

(*b*) an estimate of the cost of carrying it out,

(c) an estimate of the cost of maintaining it,

(*d*) the source from which the cost will be met,

(*e*) the amount of the loan, if any, the annual instalments by which it will be repayable, and the number of years required to repay it,

and, where several local authorities are concerned,

(*f*) the distribution of the loan,

and

(2) Where the scheme is for providing or improving the water supply, the following additional particulars in respect of each municipality concerned —

(*a*) the total annual charge to be incurred by reason of the water supply and to be met by a water rate,

(*b*) the percentage of such water rate on the annual value of holdings,

(*c*) the average incidence of such water rate per head of the population

Sanction of scheme

[1] 37G After the expiry of two months from the date of such publication and after considering any objections or suggestions that may be submitted, the Local Government [2] may sanction or reject the scheme as published, or may refer it, with such suggestions as it may think fit, to the Sanitary Board, who, in consultation with the same committee as aforesaid, shall consider the scheme with a view to its amendment and when the scheme shall have been so considered, it shall be forwarded to the Local Government, [2] and the provisions of this and the last preceding section shall be applied

Scheme to be carried out by municipalities

[1] 37H When a scheme has been sanctioned by the Local Government [2] under the last preceding section, the Commissioners of the municipality or municipalities or the local authorities concerned shall, if the rate and other monies to be collected received or recovered for or in respect of the water supply or drainage system be sufficient for the purpose, proceed to carry it out, and where two or more municipalities or local authorities are concerned, a joint committee may be formed for that purpose according to rules to be framed in this behalf by the Local Government [2]

Local Government may appoint an officer to execute the works.

[1] 37I The Local Government [2] may order the works specified in any scheme, plans, specifications and estimates, or any portion thereof, to be executed by an officer to be appointed by it, and shall fix the remuneration of such officer (provided that the cost of the scheme as sanctioned be not exceeded) and may specify a period within which the work shall be completed, and may extend such period from time to time as may be necessary

Cost of the scheme may be advanced from the public funds.

[1] 37J The cost of making plans, specifications and estimates, and the travelling expenses incurred by the members of the committee in attending the meetings of the Sanitary Board for the consideration of the scheme, and the cost of carrying out the scheme if the same be proceeded with, may be advanced from the public funds on the security of the fund or funds of the municipality or municipalities or other local authority or authorities concerned, and shall be recoverable under [3] [the Local Authorities Loan Act, 1879,] 11 o
and all the provisions of that Act, and the rules made under it referring to the recovery of loans, shall be applicable to such advances

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81, Ed 18J8, p 259

Compulsory introduction of water supply or system of drainage

[1] 37K (1) When it appears to the Local Government [2] that the Commissioners of any municipality, or the Commissioners of a municipality, acting conjointly with the Commissioners of any other municipality or municipalities or with one or more of any other local authorities specified in section 37A, should be required to provide a supply of water for domestic purposes, or to introduce a system of drainage, it may call upon such Commissioners to show cause within a specified time why they should not be so required, and the Local Government [2] shall consider any objections which may be submitted by the Commissioners and, if it considers such objections insufficient, it may, after publishing in the Calcutta Gazette [3] a full statement of the reasons which have led to action being taken, by an order in writing, fix a time within which the Commissioners shall submit such a scheme, plans, specifications and estimates as are referred to in section 37B, in the manner therein provided·

Provided that, when the Commissioners of one municipality are required to show cause, as aforesaid, a resolution against the introduction of such scheme passed at a meeting specially convened for the purpose, in favour of which a majority of not less than two thirds of the whole number of Commissioners shall have voted or when the Commissioners of two or more municipalities are required to act conjointly with each other for that purpose, a similar resolution passed by the joint committee constituted under section 37A, in favour of which a majority of not less than two thirds of the total number of votes allotted to such municipalities and apportioned to each of them according to their respective incomes shall have been recorded shall be final, and in either case no further action shall be taken by the Local Government [2] under the provisions of this section

(2) When the said order has been complied with, the provisions of sections 37C to 37J inclusive shall apply

(3) If default is made in complying with the said order, the provisions of section 64 shall apply

Provided that, in the case of a municipality mentioned in the first Schedule and not required to act conjointly with any other municipality or local authority, if within two months from the date of the publication of the particulars of any such scheme in the Calcutta Gazette [3] under section 37F, a petition is presented to the Local Government [2] by a majority of not less than two thirds of the registered rate payers of a municipality objecting to the compulsory introduction of such scheme into such municipality, the Commissioners thereof shall not be compelled to carry out such scheme

[1] S 37K is new—*see* footnote [1] on p 54 *ante*.

[2] Now [illegible] il and Assam Laws Act 1 [illegible]

[3] Now [illegible] (7 of 1905), s 3, and Sc [illegible]

Application of Part VII

[1] 37L The provisions of Part VII shall, notwithstanding anything in section 86, 220, 221, 222, 223, 279 or 287, apply to every municipality in which a water supply is provided under section 37K

Chairman not to exercise powers of Commissioners

[2] 37M The powers conferred on the Commissioners by sections 37A to 37L inclusive shall not be exercised by the Chairman under section 44

Of the Mode of transacting the Business of the Municipality

Commissioners to meet ordinarily once a month.

38 The Commissioners shall meet for the transaction of business (if there be any business to be transacted) at their office, or at some other convenient place, at least once in every month, and as often as a meeting shall be called by the Chairman, or, in his absence, by the Vice Chairman

If there shall be no business to be laid before the Commissioners at any monthly meeting the Chairman shall instead of calling the meeting, give notice of the fact to each Commissioner three days before the date which is appointed for the monthly meeting

Meeting not invalidated by non service of notice

[3] [Accidental omission to serve notice of a meeting on any Commissioner shall not affect the validity of a meeting]

Commissioners to meet at other times on special requisition.

39 The Chairman or, in his absence, the Vice Chairman shall call a special meeting on a requisition signed by not less than three of the Commissioners

[4] [If the Chairman or the Vice Chairman fails to call a special meeting within thirty days after any such requisition has been made, the meeting may be called by the persons who signed the requisition]

Who to preside at meetings of the Commissioners

40 The Chairman or, in his absence, the Vice Chairman shall preside at every meeting and in the absence of both the Chairman and Vice Chairman, the Commissioners shall choose some one of their number to preside

Questions to be decided by majority

41 All questions which may come before the Commissioners at a meeting shall be decided by a majority of votes, unless otherwise provided in this Act

Casting vote

In case of equality of votes, the President shall have a second or casting vote

Quorum

42 No business shall be transacted at any meeting of the Commissioners unless such meeting has been called by the Chairman or Vice Chairman,

[1] The original s 37L was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894) s. 23 The present s 37L was substituted for it by the Bengal Municipal (Amendment) Act 1896 (Ben Act 2 of 1896) s 4 *post* p 35[illegible] The original section ran thus —

[1] [or, under section 39, by persons signing a requisition,] nor unless a quorum shall be present

A quorum shall be, in any municipality in which the Commissioners are more than fifteen, five,

in any other municipality, a number being not less than one third of the entire number of Commissioners

Adjourned meeting

If, at the time appointed for a meeting, or within one hour thereafter, a quorum is not present, the meeting shall stand adjourned to some future day to be appointed by the [2] [President], and three days' notice of such adjourned meeting shall be given The members present at such adjourned meeting shall form a quorum, whatever their number may be

Minutes of proceedings

43 Minutes of the proceedings of all meetings of the Commissioners shall be entered in a book to be kept for the purpose, and shall be signed by the President of the meeting, and such book shall be open to the inspection of the tax payers

Powers of Chairman.

44 The Chairman shall, for the transaction of the business connected with this Act, or for the purpose of making any order authorized thereby, exercise all the powers vested by this Act in the Commissioners

Provided that the Chairman shall not act in opposition to, or in contravention of, any order of the Commissioners at a meeting, or exercise any power which is directed to be exercised by the Commissioners at a meeting

Chairman may delegate his duties or powers to Vice Chairman

45 The Chairman may, by a written order, delegate to the Vice Chairman all or any of the duties or powers of a Chairman as defined in this Act, subject to such restrictions as may seem fit to him, and may at any time by a written order withdraw or modify the same

Provided that nothing done by the Vice Chairman which might have been done under the authority of a written order from the Chairman shall be invalid for want of or defect of such written order, if it be done with the express or implied consent of the Chairman previously or subsequently obtained

Appointment of subordinate officers

[3] 46 The Commissioners at a meeting shall from time to time decide whether a paid secretary, engineer, * * [4] health officer [5] [or assessor] is required or not and what number of subordinate officers, servants and collectors of taxes or tolls may be necessary for the municipality, and shall from time to time fix the salaries to be paid to such persons respectively out of the

[1] The words and figures " or, under section 39, by persons signing a requisition ", in s. 42 were inserted by the Bengal Municipal (Amendment) Act, 1896 (Ben Act 2 of 1896) s 6 (1) *post* p. 305

[2] The word "President ", in s 42 was substituted for the words " Chairman or Vice Chairman " by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act 2 of 1896), s. 6 (2), *post*, p. 305

[3] As to the application of s 46 to Registrars of Hackney-carriages in Eastern Bengal, *see* the Calcutta Hackney carriage Act, 1891 (Ben. Act 2 of 1891), s. 5 (3), and footnote thereto, *post* p. 269

[4] The word " or ", in s. 46 was repealed by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894), s 25, and is omitted.

[5] The words " or assessor ", in s. 46, were inserted by s 25 of the same Act, *post*, p. 294

municipal fund, and the allowances to be granted to such persons during absence on leave

Subject to the scale of establishment decided upon by the Commissioners under this section, the Chairman shall have power to appoint such persons as he may think fit, and from time to time to remove such persons and appoint others in their places

Provided that no person shall be appointed to an office the salary of which is fifty rupees *per mensem* or upwards, without the sanction of the Commissioners at a meeting and that no officer, whose salary is more than twenty rupees *per mensem*, shall be dismissed without such sanction

Commissioners may frame rules for pensions and gratuities or for the creation of a provident or annuity fund

47 The Commissioners at a meeting, specially convened for the purpose, may, by a resolution in favour of which not less than two thirds of the Commissioners present at such meeting shall have voted, from time to time make rules for—

(*a*) the granting of pensions and gratuities out of the municipal fund, or

(*b*) the creation and management of a provident or annuity fund, for compelling contribution thereto on the part of their officers and servants, and for supplementing such contribution out of the municipal fund,

and may repeal or alter such rules

The Commissioners at a meeting may, from time to time, in accordance with such rules for the time being in force, grant such pensions or gratuities, or grant allowances or annuities out of such provident or annuity fund to any of their officers or servants, as they may see fit

Pensions etc, to Government officials

48 In the case of a Government official employed by the Commissioners, the Commissioners may—

(1) if his services are wholly lent to them, contribute to his pension, gratuities and leave allowances in accordance with the rules of the Government Civil Pension and Leave Codes [1] for the time being in force, and

(2) if he devotes only a part of his time to the performance of duties in behalf of the Commissioners contribute as above in such proportion as may be determined by the Local Government [2]

Security from officers or servants.

49 The Commissioners may take such security as they may think proper from any officer or servant in their employ

Of Ward Committees

Appointment or election of Ward Committees.

50 The Commissioners at a meeting may divide any municipality into wards, and thereupon appoint, or cause to be elected for each ward, not less than

[1] See now the Civil Service Regulations, 4th edition, 1902

[2] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905), s 3 and Sch D, Pt I, cl I, in Vol I, pp 623, 624

three proper persons, whether such persons be or be not Commissioners for the time being, to be members of the Ward Committee; and the Commissioners at a meeting may define the limits of the ward for which any Ward Committee may be appointed or elected.

51. The Commissioners at a meeting may lay down rules, not being inconsistent with the provisions of this Act, in respect of the qualifications required to entitle any person who is not a Commissioner to stand as a candidate for such election, and to entitle any person to vote for any candidate, and in respect of the mode of election. Commissioners may lay down rules for election.

And the Commissioners may at any time cancel any rule made by them under this section for such election.

52. Each Ward Committee may, for each year if it sees fit, elect its own Chairman and Vice-Chairman (if necessary) from among its own number. Election of Chairman and Vice-Chairman of Ward Committee.

Provided that, if one or more Commissioners are members of the Ward Committee, the Chairman of the Ward Committee shall be a Commissioner.

53. The Commissioners at a meeting may delegate to a Ward Committee such of the powers of Commissioners under this Act as to them may seem fit; and such Ward Committee within the limits of its ward, as defined by the Commissioners at a meeting, may exercise all or any of such powers, and shall be liable to all the obligations imposed by this Act on Commissioners in respect of such powers. Commissioners may delegate powers to Ward Committee.

All acts done, orders issued and assessments made, by Ward Committees, shall be subject to the control and revision of the Commissioners at a meeting, who may at any time withdraw all or any of such powers.

54. The provisions of sections 38 to 45 (both inclusive) shall, as far as possible, be applicable to the transaction of business by Ward Committees, and the Commissioners shall sanction the establishment of Ward Committees in accordance with the provisions of section 46. Certain sections applicable to transaction of business by Ward Committees.

55. All questions regarding the removal, resignation and appointment of members of Ward Committees shall be settled by the Commissioners at a meeting. Removal, resignation and appointment of members.

Liability of Commissioners and Ward Committees.

56. No Commissioner or member of a Ward Committee shall be personally liable for any contract made, or expense incurred, by or on behalf of the Commissioners. Personal liability of Commissioner or member of Ward Committee.

Every Commissioner or member of a Ward Committee shall be personally liable for any wilful misapplication of money entrusted to the Commissioners to which he shall knowingly have been a party, and he shall be liable to be sued for the same.

57. No Commissioner or member of a Ward Committee shall have, directly, Disqualifica-

tion of Commissioners having share or interest in contracts

or indirectly, * * [1] any share or interest in any contract [2] [of any kind whatsoever to which the Commissioners are a party, or shall hold any office of profit under them] and if any Commissioner shall have such share or interest [3] [or shall hold such office] he shall thereby become disqualified to continue in office as Commissioner, and shall be liable to a fine not exceeding five hundred rupees

[4] [Provided that] a Commissioner shall not be so disqualified by reason only of his having a share or interest in—

(*a*) a contract entered into between the Commissioners and any incorporated or registered company of which such Commissioner is a member or shareholder , or

(*b*) any lease sale or purchase of land, or any agreement for the same , or

(*c*) any agreement for the loan of money, or any security for the payment of money only , or

(*d*) any newspaper in which any advertisement relating to the affairs of the municipality is inserted

But no such Commissioner shall act as Commissioner or member of a Ward Committee, or take part in any proceedings relating to any matter in which he is so interested

Commissioners disqualified from voting on certain questions

[5] 58 No Commissioner or member of a Ward Committee shall vote on any matter affecting his own conduct or pecuniary interest, or on any question which regards exclusively the assessment of himself, or the valuation of any property in respect of which he is directly or indirectly in any way interested, or of any property of or for which he is manager or agent, or his liability to any tax

Control

Certain resolutions subject to approval of Government

59 All resolutions passed by the Commissioners under the following sections, that is to say —

(*a*) under section 23 [6] [or 27] for the election of a Chairman ,

(*b*) under section 24 for the removal of a Chairman from office ,

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[1] The words by himself or through others ' in s 57 were repealed by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894) s. 26 and are omitted.

[2] These words in square brackets in s 57 were substituted for the words ' made with the Commissioners by s 26 of the same Act, *post* p 294

[3] The words ' or shall hold such office '', in s 57, were inserted by s 26 of the same Act *post* p 294.

perty, or of

[6] 1 Municipal (Amen

(*c*) under section 28, for the grant of allowances to a Chairman or Vice-Chairman ;

(*d*) under section 47, for the making, repeal or alteration of rules for the grant of pensions or gratuities, or for the creation and management of provident or annuity funds,

shall be subject to the approval of the Local Government. [1]

Copy of minutes to be sent to Magistrate.

60. A copy of the minutes of the proceedings of all meetings of the Commissioners referred to in section 43 shall be forthwith forwarded by the Commissioners to the Magistrate of the district. [2]

Sanction to appointment of subordinate officers.

61. The appointment by the Commissioners of subordinate officers, as provided by section 46, shall be subject to the following rules :—

(*a*) no appointment, of which the salary is two hundred rupees *per mensem* or upwards, shall be created or abolished, without the sanction of the Local Government ; [1]

(*b*) no person shall be appointed to, or dismissed from, an office, the salary of which is one hundred rupees *per mensem* or upwards without the sanction of the Commissioner of the division. [3]

Magistrate's power of inspection.

62. The Magistrate of the district, [2] or the Magistrate in charge of the Division of the district in which a municipality is situate may enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by the Commissioners, or any work in progress under their direction ; and may call for and inspect any document which may be, for the purposes of this Act, in the possession or under the control of the Commissioners.

Power to suspend action under Act.

63. The Commissioner of the division [3] or the Magistrate of the district [2] may, by order in writing suspend within the limits of the division or district (as the case may be) the execution of any resolution or order of the Commissioners of any municipality, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of, or under cover of, this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public, or to any class or body of persons.

When a Commissioner [3] or Magistrate [2] makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Local Government, [1] which may thereupon rescind the order or direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

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[1] N[illegible] the Local G[illegible] and Assam [illegible]

[2] [illegible] and Orders [illegible]

[3] As to who is the Commissioner of the Division in respect of different portions of Assam *see* footnote [4] on p. 47 *ante*.

Powers of Local Government in case of default

64 If at any time it appears to the Local Government, [1] on the report of the Magistrate of the district [2] or of the Commissioner of the division, [3] that the Commissioners of any municipality have made default in performing any duty imposed on them by or under this or any other Act the Local Government [1] may, by an order in writing, fix a time for the performance of that duty

If that duty is not performed within the period so fixed, the Local Government [1] may appoint the Magistrate of the district [2] to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Magistrate from the municipal fund

If the expense is not so paid, the Magistrate, with the previous sanction of the Local Government, [1] may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible from the balance, in priority to any or all other charges against the same

Powers to supersede Commissioners in case of incompetency, default or abuse of powers

65 If in the opinion of the Local Government [1] the Commissioners of any municipality are not competent to perform, or persistently make default in the performance of the duties imposed on them by or under this Act or otherwise by law, or exceed or abuse their powers, the Local Government [1] may, by an order published, with the reasons for making it, in the Calcutta Gazette,[4] declare such Commissioners to be incompetent, or in default, or to have exceeded or abused their powers, as the case may be, and supersede them for a period to be specified in the order

Consequences of supersession.

66 When an order of supersession shall have been passed under the last preceding section the following consequences shall ensue —

(*a*) all the Commissioners shall, as from the date of the order, vacate their offices as such Commissioners,

(*b*) all the powers and duties of the Commissioners shall during the period of supersession be exercised and performed by such person or persons as the Local Government [1] may direct,

(*c*) all property vested in such Commissioners shall, during the period of supersession, vest in the Government

On the expiration of the period of supersession specified in the order, it shall be lawful for the Local Government [1] to direct that the municipality shall be entered in the first Schedule or the second Schedule, or in both the first and second Schedules, but otherwise the Commissioners shall be re established

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[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl. I, in Vol. I pp 623 624

[2] In Assam the Deputy Commissioner—*see* the Assam Local Statutory Rules and Orders

by appointment and election, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for appointment or election

[1] 66A (1) If any dispute, for the decision of which this Act does not otherwise provide, arises between the Commissioners of two or more municipalities constituted under this Act, or between the Commissioners of any such municipality and a District Board, or Cantonment authority, the matter shall be referred— Disputes

(*a*) to the District Magistrate, [2] if the local authorities concerned are in the same district, or

(*b*) to the Commissioner or Commissioners of the Division or Divisions, [3] if the local authorities concerned are in different districts, or

(*c*) to the Local Government, [4] if the local authorities concerned are in different Divisions and the Commissioners of those Divisions can not agree

(2) The decision of the authority to which any dispute is referred under this section shall be final

(3) If, in the case mentioned in clause (*a*), the District Magistrate [2] is a member of one of the local authorities concerned, his functions under this section shall be discharged by the Commissioner of the Division [3]

PART III

Of the Municipal Fund

67 All sums received by the Commissioners and all fines paid or levied in any municipality under this Act, and all other sums which, under the sanction of Government, may be transferred to the Commissioners, shall constitute a fund which shall be called the "municipal fund," and shall, together with all property of every nature or kind whatsoever which may become vested in the Commissioners, be under their control, and shall be held by them in trust for the purposes of this Act What shall constitute the municipal fund.

68 [5] [Except as is otherwise provided in this Act] the Commissioners shall set apart and apply annually out of the municipal fund— Payment on account of interest on loans and establishment.

(*a*) firstly, such sum as may be required for the payment of the interest which may fall due on any loan contracted by the Commissioners ;

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[1] S. 66A was inserted by the Bengal Municipal (Amendment) Act 1894 (Ben Act 4 of 1894) s 29 *post* p 294

[2] In Assam the Deputy Commissioner—*see* the Assam Local Statutory Rules and Orders Supplement, 1901, p 12.

[3] As to who is the Commissioner of the Division in respect of different portions of Assam, [illegible] Assam [illegible] the [illegible]

(*b*) secondly, such sum as they are by this Act required to provide for payment of their own establishment, including such contributions as are referred to in section 48,

(*c*) thirdly, such sum as the Local Government [1] may direct towards the cost of audit, * * [2] towards the cost of establishments in any office of account or in any treasury [3] [and towards the salary of any special officer who may be appointed under section 82]

Provided that the total amount which any municipality may be required to pay under clause (*c*) [4] [otherwise than as the salary of a special officer appointed under section 82] shall not in any year exceed two *per centum* on the amount of the municipal income for such year

Purposes to which municipal fund is applicable

[5] 69 (1) After the said sums have been set apart under section 68, the Commissioners at a meeting shall, as far as the municipal fund permits, from time to time cause roads, bridges, tanks, ghats, wells, channels, drains and privies, being the property of the Commissioners, to be maintained and repaired, and the municipality to be cleansed,

and may, except as is otherwise provided in this Act, and subject to such rules and restrictions as the Local Government [1] may from time to time prescribe, apply the municipal fund to any of the following purposes within the municipality, that is to say,—

(i) the construction, maintenance and improvement of roads, tramways, bridges, squares, gardens, tanks, ghats, wells, channels, drains and privies,

(ii) the supply of water, and the lighting and watering of roads;

(iii) the erection and maintenance of offices and other buildings required for municipal purposes,

(iv) the construction and repair of school houses, either wholly or by means of grants in aid,

(v) the establishment and maintenance of schools, either wholly or by means of grants in aid,

(vi) the establishment and maintenance of hospitals and dispensaries;

(vii) the promotion of vaccination, [6]

(viii) the acquiring and keeping of open spaces for the promotion of physical exercise and education,

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[1] [illegible] —*see* the Bengal and Assam [illegible] I, pp 623, 624 [illegible] Municipal Act, 1894 (Ben. [illegible] re inserted by s 30 (2) of the same Act, *post*, p. 294

[4] These words and figures in square brackets in the proviso to s. 68 were inserted by s 30 (3) of the same Act, *post* p 294

[5] The ss. 69 69A and 69B here printed were substituted for the former s. 69 by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act 2 of 1896), s. 7, *post*, p. 355

[6] *Cf* the Vaccination Act, 1880 (13 of 1880), s. 23 (in Vol. I, p 388), which applies to Assam

(ix) the training and employment of female medical practitioners and of veterinary practitioners,

(x) the establishment and maintenance of veterinary dispensaries for the reception and treatment of horses, cattle and other animals,

(xi) the appointment and payment of qualified persons to prevent and treat diseases of horses, cattle and other animals,

(xii) the improvement of the breed of horses, cattle and asses, and the breeding of mules,

(xiii) the establishment and maintenance of free libraries,

(xiv) the maintenance of a fire brigade,

(xv) other works of public utility calculated to promote the health, comfort or convenience of the inhabitants,

(xvi) the establishment and maintenance of benches for the trial of offences under this Act or any by laws made thereunder, and

(xvii) generally, to carrying out the purposes of this Act

Provided that no portion of the municipal fund shall be applied to any of the purposes specified in clauses (viii) to (xiii) (both inclusive) unless a majority of the Commissioners present at the meeting are satisfied that the other purposes specified or referred to in this sub section, or such of them as the majority considers it necessary to carry out, have been sufficiently provided for

(2) The municipal fund shall also be applicable to the payment, at such rates as the Local Government [1] may from time to time direct, of travelling expenses incurred by any of the Commissioners in attending meetings convened under the rules [2] made by the Local Government [1] in pursuance of sub section (4) of section 1 of the Indian Councils Act, 1892, [3] for the
14 purpose of recommending a person to be nominated as a member of the Lieutenant Governor's Council [4]

(3) The Commissioners may do all things, not being inconsistent with this Act, which may be necessary to carry out the purposes of this section

Receipts and expenditure on account of hospitals and dispensaries.

[5] 69A (1) The Commissioners shall cause to be kept, for each hospital and dispensary vested in them, accounts, in such form as may be prescribed by rules made by the Local Government, [1] showing—

(a) all endowments, funds and contributions received by them,

(b) all sums directed by them to be applied to establishment or maintenance, and

(c) all expenditure incurred by them

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[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam

(2 No money which has been received by the Commissioners on account of any hospital or dispensary, or directed by them to be applied to the establishment or maintenance of any hospital or dispensary, shall be expended on any other object

Power to make rules.

[1] 69B The Local Government [2] may from time to time make rules—

(i) prescribing the qualifications of candidates for employment under clause (xi) of section 69, and

(ii) generally, for the guidance of the Commissioners in all matters connected with the carrying out of the purposes of sections 69 and 69A

Expenditure outside municipality

70 With the consent of two thirds of the Commissioners obtained in writing, and with the sanction of the Local Government, [2] the Commissioners may contribute a portion of the municipal fund towards the expenses incurred in any other municipality or elsewhere, for any of the purposes mentioned in [3] [section 69, sub section (1)], or towards the salary of any officer under another authority whose services are employed by them, and also towards the expenses of making, maintaining and repairing any work for the improvement of a river or harbour (by whomsoever such work may be done)

But no contribution shall be made under this section to any work unless the same is calculated to benefit the inhabitants of the contributing municipality.

[4] [Notwithstanding anything in this section, the municipal fund may be applied, by the vote of the majority referred to in the proviso to section 69, sub section (1), and without the consent and sanction mentioned in this section, to meeting expenses incurred beyond the limits of the municipality in the training of female medical practitioners or of veterinary practitioners]

Account books to be kept open and quarterly statement published

71 The account books of the municipality shall be open to the inspection of any tax payer at the office of the Commissioners on a day or days to be fixed in each month

An account showing the receipts and expenditure during the quarter, arranged under the proper heads and duly balanced, shall be prepared immediately after the close of each quarter, and shall, with the account books, be open to the inspection of any tax payer

A similar account shall be prepared for each year as soon as possible after its close and shall be *open to inspection as aforesaid*

Annual

72 The Commissioners, at a meeting held at least two months before the

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[1] S. 69B [illegible]

[illegible]

[4] This paragraph was added by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act 2 of 1896), s. 8 (2), *post*, p 356

close of the year, shall prepare in detail estimates showing the probable receipts and expenditure during the ensuing year and the objects in respect of which it is proposed to incur such expenditure. Estimates to be prepared

73. Copies of the estimates and translations thereof in the vernacular of the district shall be lodged in the office of the Commissioners. Estimates to be published

During fourteen days after the estimates shall have been so lodged in the said office, of which due notice shall be locally published, the estimates and translations in the vernacular of the district shall be open to inspection at all reasonable times by any tax-payer of such municipality who may desire to inspect the same.

Any written suggestion which may be deposited in the office of the Commissioners shall be recorded and laid before them for consideration at the next meeting.

74. After the expiration of the said fourteen days, and after such revision as may appear requisite the estimates shall be transmitted to the Magistrate of the district.[1] Estimates to be transmitted to Magistrate

75. The Magistrate may either forward the estimates to the Commissioner of the Division [2] or may return them to the Commissioners with such remarks and suggestions as he shall think fit to record. And the Commissioners at a meeting shall take into consideration the Magistrate's remarks, and shall either adopt his suggestions or shall record in writing their reasons for refusing to do so and the estimates shall thereupon be returned to the Magistrate for transmission to the Commissioner of the Division.[2] Magistrate may record remarks

76. The Commissioner of the Division [2] may either sanction the estimate as it stands * * * * [3] or may cause it to be returned to the Commissioners for such modifications as he may think necessary, and, when such modifications have been made, the estimate shall be re-submitted for ratification to the Commissioner of the Division, [2] [or if such modifications as may be recommended are not made, it shall be open to the Commissioner of the Division to make such alterations as may seem to him fit] [4] Powers of Commissioner as to estimates.

Provided that the Commissioner of the Division [2] shall not raise the total of the proposed expenditure above the sum shown by the estimate to be at the disposal of the Commissioners.

77. The Commissioners at a meeting may, from time to time, revise any estimate of expenditure with the view of providing for any modifications which they may deem it advisable to make in the appropriation of the amount at Estimate of expenditure may be revised

[1] In Assam the Deputy Commissioner—*see* the Assam Local Statutory Rules and Orders Supplt, 1901, p. 12.

[2] As to who is the Commissioner of the Division in respect of different portions of Assam, *see* footnote [4] on p. 47 *ante*.

[3] The words "or sanction it after making such alterations therein as may seem to him fit." in s. 76, were repealed by the Bengal Municipal (Amendment) Act 1894 (Ben. Act 4 of 1894) s. 32 and are omitted.

[4] These words in square brackets in s. 76 were inserted by s. 32 of the same Act, *post*, p. 295.

their disposal, and such revised estimate shall be published and forwarded in the manner hereinbefore prescribed, and the Magistrate and the Commissioner of the Division [1] may deal with such revised estimate in the manner provided above

Disbursement of expenditure sanctioned in estimate

78 *After the estimates of the municipality for the year shall have been* sanctioned as above, the Commissioners at a meeting may from time to time, by a general or a special resolution, authorize the expenditure of any sum provided in such estimates or any part of such sum, for the purpose to which it has been assigned in such estimate

Notwithstanding anything contained in this section the Local Government [2] may lay down such rules as it may think fit limiting or regulating the powers of any municipality in respect to the expenditure of money for purposes which are provided for in the budget estimates of the year

Power of Local Government, if work estimated to cost more than five thousand rupees

79 If any work is estimated to cost above five thousand rupees, the Local Government [2] may require the plans and estimates of such work to be submitted for its approval, or for the approval of any officer of Government before such work is commenced, and may require statements of the progress and completion of such work, with accounts of the expenditure on the same, to be submitted from time to time, in such form as it may prescribe, for its approval, or for the approval of such officer

Disbursement of excess expenditure

80 It shall not be lawful for the Commissioners to authorize the expenditure on any object during the year of a sum in excess of that which has been sanctioned in the estimate of the year, or in a revised estimate, for such object, but, *if it be found necessary in the course of the year, the Commissioners may* recommend to the Commissioner of the Division [1] that the allotments which have been made to the different heads of the estimate shall be modified by transfer of any amount from one head to another, and the Commissioner of the Division [1] may sanction such transfers of allotments

An annual report of proceedings etc, to be submitted.

81 The Commissioners shall, at such time and in such form as the Local Government [2] shall direct, furnish annually a report of their proceedings and statements of the works executed by them, and of all sums received and expended by them

The report and any orders which may be passed thereon by Government shall be open to the inspection of the tax-payers at the office of the Commissioners with the account books and the quarterly and the annual accounts.

Keeping of

[3] 82. (1) The Commissioners shall keep such registers, use such forms

[1] As to who is the Commissioner of the Division in respect of different portions of Assam, see footnote [4] on p 47, *ante*

[2] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905) s. 3, and Sch. D Pt. I, cl. I, in Vol. I, pp. 623 624

[3] This section was substituted for the original s. 82 by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894), s. 33, *post*, p. 295 The original s. 82 ran thus —

"82. The municipal accounts shall be kept in such form, and shall be audited each year in such manner, as the Local Government shall direct."

and submit such returns as the Local Government [1] may from time to time prescribe

registers and submission of returns.

(2) The municipal accounts shall be audited each year in such manner as the Local Government [1] may direct

Local Government may appoint special officer to examine and report upon accounts

Provided that if the officer appointed to make the yearly audit in any municipality shall report that the accounts are in such confusion that the financial position of the municipality cannot readily be ascertained, the Local Government [1] may, by an order in writing require the Commissioners to submit, within a time and to a person to be specified in such order, the accounts duly adjusted, and if the Commissioners fail to comply with such order, the Local Government [1] may appoint a special officer to examine and report upon the accounts, and shall fix the salary of such special officer, which salary shall be paid from the municipal fund, unless the Local Government [1] shall otherwise direct

Custody of the municipal fund.

83 Unless the Local Government [1] shall otherwise direct, all sums received on account of the municipal fund shall be paid into a Government treasury, or into any bank or branch bank used as a Government treasury in or near to the municipality, and shall be credited to an account to be called the account of the municipality to which they belong

Provided that the Commissioners may invest any moneys not required for immediate use either in Government securities, or in any other form of security which may be approved of by the Local Government [1]

Orders for payment of money from municipal fund

84 Unless the Commissioner of the Division [2] shall expressly extend (as he is hereby empowered to do, on the recommendation of the Commissioners at a meeting) the limit of the powers of the Chairman or Vice Chairman in this behalf, all orders for the payment of money from the municipal fund, if for a sum not above five hundred rupees, shall be signed by the Chairman or Vice Chairman , and all orders for larger sums by both of the said officers or by one of the said officers and another Commissioner

No such orders shall be issued otherwise than for the payment of money of which the expenditure has been authorized by the Commissioners at a meeting, as provided in section 78

PART IV

OF MUNICIPAL TAXATION

Tax upon persons or holdings.

85 The Commissioners may, from time to time, at a meeting convened expressly for the purpose, of which due notice shall have been given, and with

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905), s. 3 and Sch. D Pt I cl. I, in Vol. I pp 623 624

[2] As to who is the Commissioner of the Division in respect of different portions of Assam, *s e* footnote [4] on p. 47, *ante*

the sanction of the Local Government, [1] impose within the limits of the municipality one or other, [2] [or] both, of the following taxes —

(*a*) a tax upon persons occupying holdings within the municipality according to their circumstances and property within the municipality

Provided that the amount assessed upon any person in respect of the occupation of any holding shall not be more than eighty four rupees *per annum* , or

(*b*) a rate on the annual value of * * [3] holdings situated within the municipality

Provided that such rate shall not exceed seven and a half *per centum* on the annual value of such holdings except within the municipalities of [4] [*Howrah, Patna,*] Dacca [*and Darjeeling,*] in which it shall not exceed ten *per centum* on such annual value , and provided also that no rate shall be imposed on any holding of which the annual value is less than six rupees

[5] [Provided that both the taxes shall not be in force at the same time in the same ward]

Additional taxes.

86 The Commissioners may, from time to time, at a meeting convened as aforesaid, and with the sanction of the Local Government, [1] order that the following tax, fee, tolls and rates, or any of them, be levied within the limits of the municipality in addition to either of the taxes mentioned in the last preceding section —

(*a*) a tax on carriages, horses and other animals named in the fifth schedule ,

(*b*) a fee on the registration of carts ,

(*c*) tolls on ferries and (subject to the provisions of sections 158 and 159) tolls upon bridges and metalled roads ;

(*d*) a water rate not exceeding [6] [seven and a half] *per centum* on the annual value of holdings when the houses and lands are situated in streets supplied with water, and not exceeding [6] [six] *per centum* when the houses and lands are situated in streets not so supplied ,

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Bengal Muni

endment) Act,

ame Act, *post*, p 295

[5] This proviso was added by s. 34 of the same Act *post* p 295

[6] The words seven and a half " and " six in s 86 (*d*) were substituted for ' six " and 'five,' respectively, by Bengal Municipal (Amendment) Act 1894 (Ben. Act 4 of 1894), s. 35 *post*, p. 295

(*e*) a lighting rate not exceeding three *per centum* on such annual value ,

(*f*) a fee for the cleansing of latrines

Provided that the taxes mentioned in clauses (*d*), (*e*) and (*f*) shall not be levied in any municipality unless the provisions of Part VII in respect of clause (*d*), or of Part VIII in respect of clause (*e*), or of Part IX in respect of clause (*f*), shall have been extended wholly or partly to such municipality in the manner hereinafter provided

Of the Tax on Persons [1]

87 When it has been determined that a tax shall be imposed on persons occupying holdings within the municipality, according to their circumstances *and property, the Commissioners, after making such inquiries as may be* necessary, shall cause to be prepared an assessment list which shall contain the following particulars, and any others which the Commissioners may think proper to include — Assessment list to be prepared.

(*a*) name of the street or road in which the holding is situated,

(*b*) number of the holding on the register,

(*c*) name of the person occupying the holding, whether such person be assessed or exempted from assessment,

(*d*) description of the holding, and of the property within the municipality, and the profession or business of the person assessed,

(*e*) amount of annual assessment,

(*f*) amount of quarterly instalment,

(*g*) if the occupier of the holding is exempted from assessment, a note to that effect

The tax upon persons shall be payable in quarterly instalments by persons occupying holdings

Such tax shall not be assessed or levied on any person in respect of the occupation * * [2] of any building which is used exclusively as a place of *public worship* [3] *[or in respect of the occupation of any public burial or* burning ground registered under section 254]

88 Save as is herein otherwise provided, every assessment of the tax upon persons shall take effect from the beginning of the year next following that in which the notice required by section 112 is published, and shall be valid for three years, and until the beginning of the year next after the date on which a new assessment or valuation may be published, or until the assessment and valuation be revised and amended Duration of assessment

[1] As to the imposition of this tax *see* s. 85 *ante*, p. 71

[2] The words of arable lands, or in s. 87 were repealed by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894) s. 36, and are omitted.

[3] These words and figures in square brackets in s. 87 were inserted by s. 36 of the same Act, *post*, p. 295

Provided that, when this Act is extended to any place, the first assessment may take effect from the beginning of the quarter next following that in which the said notice shall be published

Assessment of public buildings

89 In any municipality in which the tax on persons is imposed, no tax shall be assessed on any person in respect of his occupation of any holding which [1] [contains any building] the property of Government [2] or of a local authority], but a rate not exceeding seven and a half *per centum* may be assessed on the annual value of every such holding, to be ascertained in the manner prescribed by section 101, and such rate shall be payable by Government [3] [or the local authority concerned]

Procedure if aggregate amount of rates assessed [illegible] *annum*

90 Whenever any tax shall have been assessed on any person in respect of his occupation of two or more holdings, and the aggregate of the amount so assessed upon him shall exceed eighty four rupees *per annum*, such person [illegible] days of the publication of the notice required by section [illegible] Commissioners to cancel such assessment, and to substitute [illegible] of tax so assessed upon him, in respect of the said holdings, a rate to be calculated at seven and a half *per centum* on the annual value of such holdings, and the Commissioners shall thereupon substitute such rate, and, for the purpose of calculating the amount of such rate, shall determine the annual value of the said holdings in the manner prescribed by section 101

Every rate imposed under this section shall be payable by the occupier of the holdings so rated

Power of exemption.

91. The Commissioners may exempt from assessment any person who may by them be deemed too poor to pay the tax, but the name of the occupier of every holding shall be included in the assessment-list, whether he be assessed or exempted from assessment

Power to apply for reduction of assessment in altered circumstances

92 If any person mentioned in the assessment list shall, at any time after the publication thereof, have ceased to occupy any holding in respect of the occupation of which he has been assessed, or if the means and property in respect of which he has been so assessed shall have been reduced, the Commissioners may on his application exempt him from his assessment, or may revise the same, and such exemption or revision shall take effect from such date as the Commissioners may direct

Power to alter assessment

93. The Commissioners may, at any time after the publication of the notice required by section 112, assess any person who was without authority

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[illegible]

omitted from the assessment list, or whose liability to assessment has accrued thereafter, and may enhance any assessment which appears to them to be inadequate, and to have been so made owing to mistake or fraud

Any assessment or enhancement made under this section shall take effect from the beginning of the quarter next following that in which such assessment or enhancement is made

94 The Commissioners may at any time substitute for any name mentioned in the assessment list the name of any new occupier of a holding, and may assess the tax on such person, and such person shall be liable to pay such assessment from the date on which his occupation of the holding commenced — *Procedure on change of occupation*

95 If any holding shall become vacant in course of the year the assessment on account of the occupation of such holding shall cease to have effect from the first day of the quarter next following that in which it became vacant — *Assessment on vacant holdings when to cease*

Of the Rate on the value of Holdings [1]

96 When it has been determined that a rate shall be imposed on the annual value of holdings, the Commissioners, after making such inquiries as may be necessary, shall determine the valuation of all holdings within the municipality as hereinafter provided — *Commissioners to determine the valuation of holdings.*

97 Save as is herein otherwise provided such valuation shall be valid for [2] [five] years from the date on which it first takes effect in the municipality, and until the beginning of the year next after the date on which a new valuation may be made, or until the valuation be revised and amended — *Duration of assessment*

[3] 97A If, within the period prescribed in the last preceding section, the percentage on the valuation of holdings at which the rate is to be levied is altered by the Commissioners under the provisions of section 102, the amount of the rate and the amount of the quarterly instalments thereof payable in each case shall be altered accordingly in the rating list, but the Commissioners shall not thereby be deemed to have made a new or revised assessment-list — *Effect of alteration of percentage.*

98 The rate on the value of holdings shall not be assessed or levied on any holding which is used exclusively as a place of public worship, or which is duly registered as a public burial or burning ground under section 254 — *Holdings exempted from tax*

[4] [The Commissioners at a meeting may, with the sanction of the Local Government, [5] exempt from assessment any holding used for purposes of public charity] — *Exemption of charitable holdings from assessment.*

[illegible] by the Bengal Munici[illegible]

[illegible] 295.

[illegible] the Bengal and Assam [illegible] 623 624

What returns may be required for ascertaining annual value

99. The Commissioners, in order to prepare the valuation list, may, whenever they think fit, by notice, require the owners or occupiers of all holdings to furnish them with returns of the rent or annual value thereof, and the Commissioners, or any person authorized by them [1] [in writing] in that behalf, at any time between sunrise and sunset, may enter, inspect and measure any such holding after having given forty eight hours' previous notice of their intention to the occupier thereof

[2] [Provided that where an assessor is appointed, such assessor shall not be competent to authorize any other person to enter, inspect and measure any such holding]

Penalty for default in furnishing return

100 Whoever refuses or fails to furnish any such return for the space of one week from the day on which he shall have been required to do so, or knowingly makes a false or incorrect return, shall be liable to a fine not exceeding twenty rupees, and to a further daily fine not exceeding five rupees for each day during which he shall omit to furnish a true and correct return, and whoever hinders obstructs or prevents any Commissioner, or any person appointed by the Commissioners as aforesaid, from entering, or inspecting, or measuring any such holding shall be liable to a fine not exceeding two hundred rupees

Annual value of holding how to be ascertained

101 The gross annual rent at which any holding may be reasonably expected to let shall be deemed to be the annual value thereof, and such value shall accordingly be determined by the Commissioners, and entered in the valuation list

Provided that, if there be on a holding any building or buildings, the actual cost of erection of which can be ascertained or estimated, the annual value of such holding shall in no case be deemed to exceed an amount which would be equal to seven and a half *per centum* on such cost, in addition to a reasonable ground rent for the land comprised in the holding

Provided also that, where the actual cost so ascertained shall exceed one lakh of rupees, the percentage on the annual value to be levied in respect of so much of the cost as is in excess of one lakh of rupees shall not exceed one ourth of the percentage determined by the Commissioners under section 102

Provided further that, in estimating the annual value of a holding under this section, the value of any machinery that may be on such holding shall not be taken into consideration

Determination of rate of tax on holdings

102 Subject to the provisions of section 85, the Commissioners, at a meeting to be held before the close of the year next preceding the year to which the rate will apply, shall determine the percentage on the valuation of holdings at which the rate shall be levied, and the percentage so fixed shall

[1] The words " in writing ' in s 99, were inserted by the Bengal Municipal (Amendment) Act 1894 (Ben. Act 4 of 1894), s 41, *post* p. 295

[2] This proviso was added by s. 41 of the same Act, *post*, p. 295

remain in force until the order of the Commissioners determining such percentage shall be rescinded, and until the Commissioners at a meeting shall determine some other percentage on the valuation of holdings at which the rate will be levied from the beginning of the next year.

Provided that when this Act is first extended to any place, the first rate may be levied from the beginning of the quarter next after that in which the percentage has been fixed by the Commissioners at a meeting.

103. As soon as possible after the percentage at which the rate is to be levied for the next year shall have been determined under the last preceding section, the Commissioners shall cause to be prepared a valuation and rating list which shall contain the following particulars, and any others which the Commissioners may think proper to include:— *Preparation of valuation and rating list.*

(*a*) name of the street or road in which the holding is situated;

(*b*) number of the holding on the register;

(*c*) description of the holding;

(*d*) annual value of the holding;

(*e*) name of owner;

(*f*) amount of rate payable for the year;

(*g*) amount of quarterly instalment;

(*h*) if the holding is exempted from assessment, a note to that effect.

The rate upon holdings shall be payable in quarterly instalments by the owner of the holding.

104. If any house belongs to one owner, and the land on which it stands and any adjacent land which is usually occupied therewith belongs to another, the Commissioners may value such house and land together and may impose thereon one consolidated rate. *Power to assess upon house consolidated tax for house and land on which it stands.*

The total amount of the rates shall be payable by the owner of the house, who shall thereafter be entitled to deduct from the rent which he pays for the land such proportion of the rate so paid by him as is equal to the proportion which such rent bears to the annual value of the holding.

If the owner of the house and the owner of the land do not agree in respect of the proportion of the rate so deducted by the owner of the house, the Commissioners shall, on the application of either party, make an award declaring the amount payable by each, and such award shall be final.

105. If the sum due from the owner of any holding remains unpaid after the notice of demand has been duly served, and such owner be not resident within the municipality, or the place of abode of such owner be unknown, the same may be recovered from the occupier for the time being of such holding, who may deduct from the next and following payments of his rent, the amount which may be so paid by or recovered from him. *Tax due from non-resident owner may be recovered from occupier and deducted by him from his rent.*

Provided that no arrear of rate which has remained due from the owner of any holding for more than one year shall be so recovered from the occupier thereof.

Power of Commissioners in cases of excessive hardship.

106 Whenever, from the circumstances of the case, the levy of the rate on any holding in the municipality would be productive of excessive hardship to the person liable to pay the same, the Commissioners at a meeting may reduce the amount payable on account of such holding, or may remit the same

Application for reduction of assessment

107 If the value of any holding shall be diminished from any cause beyond the control of the owner thereof, the owner thereof may apply for reduction of the valuation of the same

Power to revise valuation and assessment

108 The Commissioners may, at any time after the publication of the notice required by section 112, value and rate any holding which was without authority omitted from the valuation and rating list, or which has become liable to valuation and rating after the publication thereof, and may enhance the valuation and rating of any holding which may appear to have been insufficiently valued or rated through mistake, oversight or fraud, and may re value and re assess any holding the value of which has been increased by additions or alterations to any building thereon

Any rate imposed or enhancement made under this section shall take effect from the beginning of the quarter next following that in which the rate shall be imposed or enhancement made

Power to revise assessment list

109 The Commissioners may, at any time, substitute for any name mentioned in the valuation and rating list the name of any person to whom any holding mentioned therein shall have been transferred

Such person shall be liable to pay the rate payable on such holding from the first day of the quarter next after the date of the transfer

Remission or refund on account of vacant holdings

110 When any holding has been vacant for sixty or more consecutive days during any year, the Commissioners shall remit, and, if the rate has been paid, shall refund, one half of so much of the rate of that year as may be proportionate to the number of days the said holding has remained unoccupied

Provided that the owner of such holding, or his agent, has given to the Commissioners notice in writing of the vacancy thereof, and that the application for refund is made within six months from the date on which such notice is delivered at the office of the Commissioners

The amount of tax to be remitted or refunded shall be calculated from the date of the delivery of such notice

Penalty

111 Whoever, being the owner of any holding for which a remission or refund of the rate has been made under the last preceding section, fails to give notice of the re occupation of such holding within ten days of such re-occupation shall be liable to a fine not exceeding three times the amount of rate payable quarterly on such holding

Of General Provisions relating to the Tax on Persons and the rate on Holdings and to the Recovery of the same [1]

[2]111A If at any time it appears to the Local Government, [3] on the report of the Commissioner of the Division, [4] that the assessment in any municipality is insufficient or inequitable, and if the Commissioners have not appointed an assessor under section 46, the Local Government [3] may, by an order in writing, require the Commissioners of such municipality to revise and amend such assessment, or to show cause against such order within a time to be specified therein, — Appointment of assessor of municipal taxes

and if the Commissioners fail to comply with such order, or if, in the opinion of the Local Government, [3] the revised and amended assessment is insufficient or inequitable, the Local Government [3] may, by an order in writing, require the Commissioners to appoint an assessor of municipal taxes for such municipality, within a time and for a period to be specified in such order, and such assessor shall exercise all the powers of assessment except under sections 113, 114 and 115, vested by this Act in the Commissioners

Such order shall fix the pay of the assessor and the cost of his establishment, and such pay and cost shall be paid monthly by the Commissioners

112 When the assessment list of the tax upon persons, or the valuation and rating list of the rate on the annual value of holdings, shall have been prepared or revised, the Chairman shall sign the same, and shall cause it to be deposited in the office of the Commissioners, and shall cause the notice in Form A or the notice in Form B of the third Schedule (as the case may be) to be published in the manner prescribed by section 354 — Publication of notice of assessments.

113 Any person who is dissatisfied with the amount assessed upon him or with the valuation or rating of any holding — Application for review

or who disputes his occupation of any holding, or his liability to be assessed or rated,

may apply to the Commissioners to review the amount of assessment, valuation or rating, or to exempt him from the assessment or rate

[5] [When an assessor has been appointed under section 111A, notice of every such application shall be given by the Commissioners to the assessor]

114 Every application presented under the last preceding section shall be — Procedure upon review

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[1] As to the imposition of this tax and rate *see* s 86 *ante* p. 72

[2] S 111A was inserted by the Bengal Municipal (Amendment) Act 1894 (Ben. Act 4 of 1894) s. 43 *post* p. 2[illegible]

[3] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905) s 3 and Sch. D Pt. I, cl I in Vol. I pp 623 624

[4] [illegible] of [illegible]

heard and determined by not less than three Commissioners, who shall be appointed in that behalf by the [1] [Commissioners at a meeting] The Commissioners so appointed, after [2] [taking such evidence and] making such inquiries as they may deem necessary, may pass such order as they shall think fit in respect of such application

The decision of such Commissioners, or of a majority thereof, in such cases shall be final

Limitation of time for application for review

115 Unless good cause shall be shown to the satisfaction of such Commissioners for extending the time allowed, and save as is otherwise expressly provided in this Act, no such application shall be received after the expiration of one month from the date of publication of the notice required by section 112 relating to the list containing the assessment, valuation or rating in respect of which the application is made, or after the expiration of fifteen days from the date of service of the first notice of demand for payment at the rate in respect of which the application is made, whichever period shall last expire

Assessment to be questioned only under Act.

116 No objection shall be taken to any assessment or rating * * * [3] in any other manner * * * [4] than in this Act is provided

Office hours for payment of taxes

117 By notification to be posted up in their office, the Commissioners shall declare at what hours of each day (not being a Sunday or other recognized holiday) the office shall be open for the receipt of money and the transaction of business

Tax payable in advance

118 The amount due by any person on account of the tax on persons, or the rate on holdings, shall be deemed to be the amount entered in the lists, the notice relating to which is published under section 112, unless the amount entered in such lists is subsequently altered by the Commissioners as provided in this Act, in which case the amount to which the assessment or rating is so altered shall be deemed to be the amount due

Every instalment of such tax or rate shall be deemed to be due on the first day of the quarter in respect of which such instalment is payable

Receipts to be given

119 For all sums paid on account of any tax or rate under this Act a receipt stating the amount and the tax or rate on account of which it is paid shall be given, signed by the tax collector, or by some other officer authorized by the Commissioners to grant such receipts

Bill and notice of

120 At any time within six months after any sum has become due on account of any tax or rate, the Commissioners shall cause to be presented to

[1] The words " Commissioners at a meeting " in s 114 were substituted for the word " Chairman " by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894), s 45, *post*, p 296.

[2] The words " taking such evidence and,' in s. 114, were inserted by the same Act, s. 45, *post* p 296

[3] The words ' nor shall the liability of any person to be assessed or rated be questioned " in s. 116 were repealed by the same Act, s. 46 and are omitted.

[4] The words " or by any other authority " were repealed by the same section, and are omitted.

the person liable to the payment thereof a bill for the said sum, which shall contain a statement of the period and of the tax or rate on account of which the charge is made. demand to be presented.

If the amount mentioned in such bill be not paid on presentation thereof, a notice of demand in the form marked A in the fourth Schedule, with copy of the bill appended thereto, shall be served on the person liable to pay the same, and such notice of demand may be served at any subsequent time.

Provided that no charge shall be made in respect of the service of such notice.

Such notice shall be signed by the Chairman or an officer authorized in that behalf and shall be served by a person authorized to receive payment.

121. If any person, after service upon him of such bill and notice, shall not, within fifteen days of the service of such notice or from the date of any order made on an application for review under section 114, pay the sum due, either to the Commissioners at their office or to some person authorized by them to receive the money, or show to the Commissioners sufficient cause for not paying the same, If not paid in fifteen days, process of distress may issue.

the amount of the arrear due, with costs on the scale shown in the table of fees marked B in the fourth Schedule, may at any time within three months after the date of service of the said notice, or of the order made on an application for review as aforesaid, be levied by distress and sale of any movable property belonging to the defaulter, except ploughs, plough cattle, tools or implements of agriculture or trade, wherever found, or of any movable property belonging to any other person, subject to the same exceptions which may be found within the holding in respect of which such defaulter is liable to such tax or rate.

[1][Provided that when the holding in respect of which the default is committed is a place of business, and the movable property distrained is shown to the satisfaction of the Commissioners to have been left there for repairs or safe custody in the ordinary course of business, it shall be released.

Provided also that, if the said property or any part thereof belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner thereof for any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress or any sale under the same.]

122. Every warrant of distress and sale under the last preceding section shall be issued by the Commissioners, and shall be in the form marked C in the fourth Schedule. Distress how to be made.

[1] The two provisoes here printed were substituted for the original paragraph by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894), s. 47, *post*, p. 29[illegible]. The original paragraph ran thus:—

"If the said property [illegible]

Distress shall be made by actual seizure of movable property, and the officer charged with the execution of the warrant shall be responsible for the due custody thereof

Such officer shall make an inventory of all movable property seized under the warrant, and shall give not less than ten days' previous notice of the sale, and of the time and place thereof by beat of drum, in the municipality or ward in which the property is situated, and by serving on the defaulter a notice in the form marked D in the fourth Schedule

Provided that, if the property is of a perishable nature, it may be sold at once with the consent of the defaulter or without such consent at any time after the expiry of six hours from the seizure

Officer may break open door

123 The officer charged with the execution of the warrant may, under the special order of the Commissioners between sunrise and sunset break open any outer or inner door or window of a house, in order to make the distress, if he has reasonable ground for believing that such house contains any movable property belonging to the defaulter, and if after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance

Provided that he shall not enter or break open the door of any room appropriated for the zanana, or residence of women which by the usage of the country is considered private, except after three hours' notice and opportunity given for the retirement of the women

Sale how to be conducted

124 If the sum due be not paid with costs before the time fixed for the sale, or the warrant be not discharged or suspended by the Commissioners, the movable property seized shall be sold by auction, at the time and place specified, in the most public manner possible, and the proceeds shall be applied in discharge of the arrears and costs

The surplus sale proceeds (if any) shall be credited to the municipal fund, and may be paid on demand to any person who establishes his right to the satisfaction of the Commissioners or in a Court of competent jurisdiction

Return of sales

The tax collector or other officer authorized in that behalf shall make a return of all such sales to the Commissioners in the form marked E in the fourth Schedule

Certain persons prohibited from purchasing at sales

125 All officers and servants of the Commissioners, and all chaukidars, constables and other officers of police are prohibited from purchasing any property at any such sale

Penalty

[1] Whoever (not being a public servant within the meaning of section 21 [2] of the Indian Penal Code) contravenes the provisions of this section shall 45 of 1860

[1] This paragraph was added by the Bengal Municipal (Amendment) Act 1894 (Ben. Act 4 of 1894) s. 48 post p 296

[2] Printed in General Acts 1834 67 Ed 1898, p. 244

be punished with simple imprisonment for a term which may extend to two months, or with fine, or with both.

Commissioners to keep account of distresses and sales.

126. The Commissioners shall cause a regular account to be kept of all distresses levied, and sales made, for the recovery of taxes under this Act.

Sale of property beyond limits of municipality.

127. If no sufficient [1] [movable property] belonging to a defaulter, or being upon the premises in respect of which he is assessed or rated, can be found within the municipality, the Magistrate may, on the application of the Commissioners, issue his warrant to any officer of his Court for the distress and sale of any [2] [movable] property or effects belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any [2] [movable] property belonging to the defaulter within the jurisdiction of any other Magistrate [3] [exercising jurisdiction within the territories administered by the Lieutenant Governor of Bengal,] [4] and such other Magistrate shall endorse the warrant so issued, and cause it to be executed, and the amount if levied, to be remitted to the Magistrate issuing the warrant, who shall remit the same to the Commissioners.

Distress or sale not unlawful for want of form.

128. No distress or sale made under this Act shall be deemed unlawful nor shall any party making the same be deemed a trespasser on account of any error, defect or want of form in the bill, notice, summons warrant of distress, inventory or other proceeding relating thereto.

Commissioners may bring suit instead of distraining or on failure of distress.

129. Instead of proceeding by distress and sale, or in case of failure to realize thereby the whole or any part of any tax, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

Irrecoverable taxes.

130. The Commissioners may order to be struck off the books the amount of any tax or rate which may appear to them to be irrecoverable.

Of the Tax on Carriages, Horses and other Animals [5]

Tax on carriages, horses and other animals.

131. When it has been determined that a tax on carriages, horses and other animals specified in the fifth Schedule shall be imposed, the Commissioners at a meeting shall make an order that every carriage, horse, and every

[1] The words "movable property," in s. 127, were substituted for the words "goods or chattels" by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894), s. 49, *post*, p. 296.

[2] The word "movable," in s. 127, was substituted for the word "personal" by s. 49 of the same Act, *post*, p. 296.

[3] The words "exercising jurisdiction within the territories administered by the Lieutenant-Governor of Bengal," in s. 127, were substituted for the word "whatsoever" by s. 49 of the same Act, *post*, p. 296.

[4] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3, and Sch. D, Pt. I, cl. I, in Vol. I, pp. 623, 624.

[5] As to the imposition of this tax, *see* s. 86, *ante*, p. 72.

other animal of the kind specified in the said Schedule, which is kept [1] [or is used in the ordinary course of business] within, or which is let for hire within or without, the municipality, [2] [and is used in the ordinary course of business] within it, shall pay the tax, and shall cause such order to be published in the manner prescribed by section 354

Such order shall be published at least one month before the beginning of the half year in which such tax shall first take effect, and shall specify at what rates, not exceeding the rates given in the said Schedule, such tax shall be levied

But such tax shall not be imposed on—

(*a*) horses or ponies belonging to officers doing regimental duty, at the rate of one animal for each officer,

(*b*) animals exempt from any municipal tax under section 25 [3] of the Indian Volunteers Act, 1869, 20 o

(*c*) carriages or animals belonging to Government, or to the Commissioners, or for keeping which for the execution of their duty an allowance is made by the Government or by the Commissioners to any of their officers,

(*d*) animals used by, or exclusively for the purposes of, any regiment;

(*e*) horses or ponies used by police officers, at the rate of not more than one for each officer,

(*f*) carriages, the wheels of which do not exceed twenty four inches in diameter,

(*g*) carriages or animals kept for sale by any *bonâ fide* dealer in such carriages or animals, and not used for any other purpose

Tax so fixed to continue in force until altered.

132 Any order of the Commissioners imposing a tax under the last preceding section shall continue in force until rescinded, and the tax shall be levied at the rates specified in the order published as aforesaid, unless and until the Commissioners at a meeting, held not less than fifteen days before the end of the year, make and publish an order specifying any different rates at which the tax shall be payable for the ensuing year

Licenses how to be obtained

133 In any municipality in which a tax has been imposed under section 131, the owner of every carriage, horse and other animal specified in the said Schedule shall, within the first month of each half year, forward to the Commissioners a statement in writing, signed by him, containing a description of the carriages, horses and other animals liable to the tax, for which he is bound to take out a license

[1, 2] The words "or is used in the ordinary course of business" and "and is used in the ordinary course of business" in s. 131, were substituted for the words "or habitually used" and "and habitually used" respectively, by the Bengal Municipal (Amendment) Act, 1896 (Ben Act 2 of 1896), s 9 (1) *post*, p 306

[3] Printed in General Acts, 1868 76, Ed. 1898, p. 117

Such owner shall, at the same time, pay to the Commissioners such sum as shall be payable by him for the current half year for the carriages, horses and other animals specified in such statement, according to the rates specified in any order for the time being in force under the two last preceding sections

134 If any person acquires possession, at any time after the commencement of any half year, of any carriage, horse or other animal specified in the schedule, in respect of which no license has been given for such half year, he shall forward a statement as above required within one month of the date on which he may have acquired possession thereof and shall pay such amount of the tax as shall bear the same proportion to the whole tax for the half year as the unexpired portion of the half year bears to the half year, and such amount shall be calculated from the date on which such person may have acquired possession as aforesaid

Proportionate tax on carriages etc acquired during half year

135 On receiving the amount of the tax due as aforesaid, the Commissioners, or some person authorized by them in that behalf, shall give to the person paying the same a license for the several carriages, horses and other animals for the period in respect of which the amount is received

On payment of tax, Commissioners to give a license

Such license shall be for the current half year and no longer

136 Whenever the owner of any carriage, horse or other animal liable to pay the said tax is not resident within the limits of the municipality to the Commissioners of which the tax is due, the person in whose immediate possession the carriage, horse or other animal is for the time being kept shall take out a license for the same

Carriage, etc, liable to tax, although the owner be absent.

137 Whoever keeps, or is in possession of, any carriage, horse or other animal, without the license required by any of the three last preceding sections, shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable

Penalty

138 The Commissioners, at their discretion, may compound, for any period not exceeding one year, with livery stable keepers and other persons keeping carriages or animals for hire, for a certain sum to be paid for the carriages or animals so kept by such person, in lieu of the tax at the rates specified in any order made by the Commissioners under sections 131 and 132

Commissioners may compound with livery stable-keepers

139 The Commissioners shall, from time to time, cause to be prepared and entered in a book, to be kept by them, and to be open to the inspection of any person interested therein, a list of the persons to whom during the then current half-year a license has been given, and of the carriages, horses and other animals in respect of which they have paid the tax

List of persons licensed to be prepared.

140 The Commissioners, or any person authorized by them in that behalf, may, at any time between sunrise and sunset, enter and inspect any stable or coach house, or any place wherein they may have reason to believe that there is any carriage, horse or other animal liable to the tax, for which a license has not been duly taken out

Power to inspect stable, etc., and to summon persons liable to the payment of the tax.

And the Commissioners may summon any person whom they have reason to believe to be liable to the payment of any such tax, or any servant of such person, and may examine such person or servant as to the number and description of the carriages, horses and other animals in respect of which such person is liable to be taxed

Refund of tax in certain cases.

141. On proof being given to the satisfaction of the Commissioners that a carriage, horse or other animal for which a license has been taken out for any half-year has ceased to be kept or to be used within the municipality during the course of such half year, the Commissioners shall order a refund of so much of the tax for the half year as shall bear the same proportion to the whole tax for the half year as the period during which such carriage, horse or other animal has not been kept or used in the municipality bears to the half year, but no such refund shall be allowed unless notice be given to the Commissioners within one month of the time when such use of such carriage, horse or other animal ceased, and, except for special cause shown, the Commissioners shall pass no order for refund until after the close of the half year in respect of which the refund is claimed

Prohibition of double fee

[1] 141A Nothing in sections 131 to 141 shall be deemed to authorize the levy of more than one fee for the same period in respect of any carriage, horse or other animal which is kept or used in more than one municipality** [2]

Meaning of "used in the ordinary course of business"

[3] 141B A carriage horse or other animal shall be deemed to be used in the ordinary course of business, within the meaning of section 131, if it is used on business on an average thrice a week

Of the Registration of Carts

Registration and numbering of carts

142 The Commissioners at a meeting may make and publish an order that every cart which is kept [4] [or is used in the ordinary course of businesss within or which is let for hire within or without the Municipality [5] [and is used in the ordinary course of business] within it shall be registered by the Commissioners with the name and residence of the owner, and shall bear the number of registration in such manner as the said Commissioners shall direct

Provided always that such order shall be published at least one month before the beginning of the half year in which such order for registration shall be enforced

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[1] S 141A was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben Act 4 of 1894) s. 60 *post*, p. 296

[2] The words "or cantonment," in s 141A, were repealed by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act 2 of 1896), s. 9 (4) and are omitted

[3] S 141B was inserted by s 10 of the same Act, *post* p. 356

[4, 5] The words "or is used in the ordinary course of business" and "and is used in the ordinary course of business," in s 142, were substituted for the words "or habitually used" and "and habitually used", respectively, by the same Act, s 9 (1), *post*, p 356.

This section shall not apply to—

(*a*) carts which are the property of the Government or of the Commissioners,

(*b*) carts which are kept without the limits of the municipality, and are only temporarily and casually used within such limits,

(*c*) [*Hourah*] * * *[1]

143 The registration of carts under the last preceding section shall be made, and the numbers assigned yearly or half yearly, upon such days as the Commissioners shall notify and such fee [2] as they shall from time to time fix and notify not exceeding four rupees if the registration has effect for a year and not exceeding two rupees if the registration has effect for half a year shall be paid for each registration **Fee for registration.**

144 Any person becoming possessed of any cart which has not been registered for the then current period of registration shall register the same within one month from the date on which he may have become possessed thereof, and the Commissioners shall grant registration in any such case on payment of such amount of the fee as shall bear the same proportion to the whole fee for the current period of registration as the unexpired portion of the current period of registration bears to the whole of such period, and such fee shall be calculated from the date on which such person may have become possessed as aforesaid **Proportionate payment of fee**

145 When the ownership of any registered cart is transferred within any period of registration, it shall be registered anew within one month of the transfer in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last mentioned registration **Transfer of ownership**

146 Whoever keeps or is in possession of, a cart not duly registered as required by any of the three last preceding sections shall be liable to a fine not exceeding three times the amount payable by him in respect of such registration exclusive of the amount so payable, and whoever, being the owner or driver of any cart, shall fail to affix thereto the registration number as required by section 142 shall be liable to a fine not exceeding five rupees **Penalty**

147 If any person owns or keeps any cart hereinbefore required to be registered without having caused the same to be registered, the Commissioners, or any person authorized by them in that behalf, may seize and detain such cart (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods), together with the animals drawing the same, and all police officers are required, on the application of the Commissioners, or of any servant of the Commissioners duly authorized in that behalf, to assist in the said seizure **Seizure and sale of unregistered cart.**

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[1] The words " or the Suburbs of Calcutta " in s 142 (c) were repealed by the Bengal Municipal (Amendment) Act 1894 (Ben Act 4 of 1894) s 51, and are omitted.

[2] As to the levy of this fee, *see* also s. 80, *ante*, p. 72.

After such seizure the Commissioners shall forthwith issue a notice in writing that after the expiration of ten days they will sell such vehicle and animals by auction at such place as they may state in the notice; and, if any registration fee, together with the cost arising from such seizure and custody, remains unpaid for ten days after the issue of such notice, the Commissioners may sell the property seized for payment of the said fee, and of all expenses occasioned by such non-payment, seizure, custody and sale.

The surplus sale-proceeds (if any) shall be credited to the municipal fund, and may be paid on demand to any person who establishes his right to the satisfaction of the Commissioners or in a Court of competent jurisdiction.

Provided that, if at any time before the sale is concluded, the person whose cart has been seized shall tender to the Commissioners, or to the person authorized by them to sell the cart, the amount of all the expenses incurred and the registration fee payable by him, the Commissioners shall forthwith release the cart so seized.

Notwithstanding anything contained in this section, the surplus of the sale-proceeds of a cart seized under this section may be devoted to the payment of any fine imposed under the last preceding section; and any cart which has been seized under this section may be sold for the realization of any such fine.

Prohibition of double fee.

[1]147A. Nothing in sections 142 to 147 shall be deemed to authorize the levy of more than one fee for the same period in respect of any cart which is [2] [used in the ordinary course of business] in more than one municipality * * [3].

Apportionment of fees.

[4] [When carts not kept within any municipality are so used in more than one municipality, the Local Government [5] on the application of the Commissioners of any such municipality, may, if it thinks fit, apportion between all such municipalities the registration fees paid under this Act in respect of such carts.

Levy of fee when cart registered in more than one municipality.

Where a cart is registered under this Act in more than one municipality, the Commissioners of the municipality within which the cart is kept shall have a right to levy the registration fee in preference to the Commissioners of any other municipality.]

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[1] S. 147A was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894), s. 52, *post*, p. 29^.

[2] The words "used in the ordinary course of business," in s. 147A were substituted for the words 'habitually used' by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act 2 of 1896), s. 9 (2), *post*, p. 356.

[3] The words "or cantonment," in s. 147A, were repealed by s. 9 (4) of the same Act, and are omitted.

[4] These paragraphs in square brackets were added to s. 147A by s. 9 (3) of the same Act, *post*, p. 356.

[5] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3, and Sch. D, Pt. I, cl. I, in Vol. I, pp. 623-624.

[1] 147B A cart shall be deemed to be used in the ordinary course of business within the meaning of sections 142 and 147A if it is used on an average twice a week

Meaning of used in the ordinary course of business

Of Tolls on Ferries

148 The Local Government [2] may with the consent of the Commissioners make over to the Commissioners any existing public ferry within or adjacent to the limits of the municipality to be administered by them until the Local Government [2] shall otherwise direct

Existing public ferries

Every ferry while so administered shall be deemed to be a municipal ferry and the profits derivable therefrom or such part of the profits as shall be agreed upon between the Local Government [2] and the Commissioners shall be carried to the credit of the municipal fund

149 The Commissioners may also with the sanction of the Local Government [2] declare that any other ferry within or adjacent to the limits of the municipality is a municipal ferry and the profits derivable therefrom shall thenceforward be carried to the credit of the municipal fund

Other ferries [illegible]

Provided that due compensation shall be made by the Commissioners to any person for the loss which he may have sustained in consequence of such ferry being declared to be a municipal ferry

The amount of compensation due in such cases shall be ascertained and awarded by the Magistrate under the provisions of section [illegible] of Bengal Act 1 of 1866 [3] (*to amend certain provisions of Regulation* 6 *of* 1810) or any similar law [4] for the time being in force

150 Every municipal ferry shall be maintained by the Commissioners and they shall do all things necessary to provide for the safety and convenience of travellers and the safety of property to be conveyed on such ferry

[illegible]

151 When it has been determined to impose tolls [5] on municipal ferries, the Commissioners at a meeting shall make and publish an order specifying the ferries and with the sanction of the Commissioner of the Division [6] the rates at which such tolls shall be levied

[illegible]

Such rates may from time to time be varied with the like sanction

152 No person shall be liable to pay any toll for crossing any river or stream at or near a municipal ferry, unless he avails himself of the [illegible] provided by the Commissioners for crossing such river or stream

[illegible]

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[1] S 147B was inserted by the Bengal Municipal (Amendment) Act 1896 ([illegible]) s 11 *post* p 3[illegible]

[2] Now the Local Government of Eastern Bengal and Assam [illegible] Assam Laws Act 190[illegible] (7 of 190[illegible]) s 3 [illegible]

[3] Ben. Act I of 1866 has been repealed in Eastern Bengal by the Bengal Ferries Act 1885 (Ben Act 1 of 1885) and in Assam by the Repealing and Amending Act 1891 (12 of 1891)

[4] See now—

in Eastern Bengal the Bengal Ferries Act 1885 (Ben Act 1 of 1885) s 17, *post* p 10[illegible] and

in Assam the Northern India Ferries Act 1878 (17 of 1878) s [illegible]

[5] As to the imposition of tolls see s 85 *ante* p 72

[6] As to who is the Commissioner of the Division [illegible] Assam see footnote [4] on p 47 *ante*

Cancellation of ferry lease etc

153 Every lease of a ferry given by the Commissioners as hereinafter provided shall be liable to be cancelled at once if it shall appear to the Commissioners at a meeting that the lessee has failed to make due provision for the convenience or safety of the public within fifteen days after being required to do so by a notice in writing from the Commissioners

On the cancelment of a lease the Commissioners may take possession of all boats and other appliances which have been used by the lessee in the working of the ferry and may either retain the same permanently on payment of a fair price to the proprietor or may retain them for such time as may be necessary not exceeding three months until they can make arrangements for such other boats and appliances as may be necessary in which case the Commissioners shall pay a fair sum to the owners for the use of the said boats and appliances

Provided that within a week of taking such possession the Commissioner shall be bound to give notice to the said lessee of their intention to retain the said boats and appliances permanently or for a period to be specified in the notice

Toll must be prepaid

154 Any collector or lessee of tolls or his agent may refuse to convey any person or goods across a municipal ferry until the proper toll has been paid and may require any person who refuses to pay the toll to leave the boat and to remove his goods from it

Penalty

Any person who refuses to leave a municipal ferry boat or to remove his goods therefrom when required to do so under this section shall be liable to a fine not exceeding ten rupees

Keeping of unauthorized ferry

155 No person shall keep a ferry boat for the purpose of plying for hire within a distance of two miles above or below any municipal ferry without the previous sanction

of the Commissioners if he plies within the limits of the municipality of the Magistrate of the district [1] if without such limits

or of the Magistrate of the district [1] and the Commissioners if one of the two banks between which he plies is within and the other bank is without such limits

This section shall not apply to any private ferry which may be in existence at the commencement of this Act

Penalty

156 Whoever keeps a ferry boat contrary to the provisions of the last preceding section shall be liable to a fine not exceeding fifty rupees and to a further fine not exceeding ten rupees for each day during which the offence is continued after he has been required by a notice in writing to desist from such offence

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[1] In Assam the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Supplt 1901 p 12

(*Part IV.—Of Municipal Taxation.—Secs. 157-161.*)

Of Tolls on Bridges and Roads.

157. The Local Government [1] may, with the consent of the Commissioners at a meeting, make over to the Commissioners any existing toll bar within the limits of the municipality, to be administered by them until the Local Government [1] shall otherwise direct; every toll bar while so administered shall be deemed to be a municipal toll bar, and the profits derivable therefrom, or such part thereof as shall be agreed upon between the Local Government [1] and the Commissioners shall be carried to the credit of the municipal fund. Existing toll bars.

158. The Commissioners at a meeting, with the sanction of the Local Government [1] may establish a toll bar and levy tolls [2] on any bridge or metalled road which they may have constructed after the commencement of this Act, or at any place within the municipality adjacent to such bridge or metalled road at which tolls may conveniently be levied on vehicles and animals passing over such bridge or road; and the profits derivable therefrom shall be carried to the credit of the municipal fund. Commissioners may establish toll bar.

Provided that no such toll bar shall be established, or tolls levied otherwise than for the purpose of recovering the expenses incurred in constructing such bridge or road and in maintaining such bridge or road in repair for the five years next after the construction thereof, together with interest on such expenses as hereinafter provided.

159. Whenever a toll bar shall have been established and tolls shall be levied as provided in the last preceding section, the Commissioners shall at the end of each year publish, by causing it to be posted up at their office, an abstract account showing— Commissioners to publish expenses, etc., of toll bars.

(1) the amount of expenses incurred in the construction of such bridge or road, and in the maintenance of the same;

(2) the amount of interest which has accrued due thereon at the annual rate of six *per centum*, and

(3) the amount which has been received from the profits of the said toll bars since its establishment.

And, as soon as such expenses and interest shall have been recovered as aforesaid, such toll bars shall be removed, and tolls shall no longer be levied on such bridge or road.

160. When it has been determined that tolls shall be levied on any such bridge or road, the Commissioners at a meeting shall make and publish an order, with the sanction of the Commissioner of the Division [3] specifying the rates at which such tolls shall be levied. Rates of tolls to be established and published.

Such rates may from time to time be varied with the like sanction.

161. Any collector or lessee of tolls may refuse to allow any person to pass through any municipal toll bar until the proper toll has been paid. Power of collector or lessee in case of refusal to pay toll.

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3 and Sch. D, Pt. I, cl. I, in Vol. I, pp. 623-624.

[2] As to the imposition of tolls, see s. 86, *ante*, p. 72.

[3] As to who is the Commissioner of the Division in respect of different portions of Assam, see footnote [4] on p. 47, *ante*.

collect tolls in a navigable channel

applicable to any navigable channel which passes through the limits of a municipality it may, with the consent of the Commissioners, appoint the Commissioners to collect tolls, as provided in section 8 of the said Act, until the Local Government [1] shall otherwise direct, and the profits derivable therefrom or such part thereof as shall be agreed upon between the Local Government [1] and the Commissioners, shall be carried to the credit of the municipal fund

In such case the Commissioners shall exercise all the powers vested by such Act in the Collector

Local Government may order Commissioners to cease levying tolls

172 The Local Government [1] may at any time order that the Commissioners, or any person authorized by them, shall cease to levy any tolls under the last preceding section, and may at any time withdraw such order

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PART V

Municipal Regulations which shall be generally in force in all Municipalities

General

Operation of this Part

173 The provisions of this Part shall be in force in every municipality unless and until the Local Government [1] shall otherwise direct

Local Government may order provisions of this Part to be not in force in any municipality

174 The Local Government [1] may, at any time, make an order directing that all or any of the said provisions shall not be in force in any municipality or in any part thereof, and the provisions mentioned in such order shall cease to be in force in such municipality, or part thereof, from the date specified in such order

The Local Government [1] may at any time cancel or modify any order made under this section

Procedure when owners or occupiers required to execute works by Commissioners

175 Whenever it is provided in this Part or in Part VI that the Commissioners or the Commissioners at a meeting may require the owners or the occupiers, or the owners and occupiers of any land, to execute any work or to do anything within a specified time, such requisition shall be made, as far as possible, by a notice to be served as provided in sections 356 and 357, on every owner or occupier who is required to execute such work or to do such thing, but, if there be any doubt as to the persons who are owners or occupiers, such requisition may be made by a notification to be posted up on or near the spot at which the work is required to be executed or the thing done, requiring the owners or the occupiers, or the owners and occupiers of any land, to execute

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3, and Sch D Pt I cl I, in Vol. I, pp 623 624

such work or to do such thing within a specified time and in such notification it shall not be necessary to name the owners or occupiers

Every requisition as aforesaid shall give notice to the persons to whom it is addressed that if they fail to comply with the requisition or to prefer an objection against such requisition as provided in the next succeeding section the Commissioners will enter upon the land and cause the required work to be executed or the required thing to be done and that in such case the expenses incurred thereby will be recovered from the persons who are required in such requisition to execute such work or do such thing

176 Any person who is required by a requisition as aforesaid to execute any work or to do anything may instead of executing the work or doing the thing required prefer an objection in writing to the Commissioners against such requisition within five days of the service of the notice or posting up of the notification containing the requisition, or, if the time within which he is required to comply with the requisition be less than five days then within such less time

Person required to execute any work may prefer objection to the Commissioners

Except as provided in the next succeeding section such objection shall be heard and disposed of by the Chairman or Vice Chairman

177 If the objection shall allege that the cost of executing the work or of doing the thing required will exceed three hundred rupees such objection shall be heard and disposed of by the Commissioners at a meeting, unless the Chairman or Vice Chairman shall certify that such cost will not exceed three hundred rupees, in which case the objection shall be heard and disposed of by the Chairman or Vice Chairman

Procedure if person objecting alleges that work will cost more than three hundred rupees.

Provided that in any case in which the Chairman or Vice Chairman shall have certified his opinion as aforesaid, and the objection shall in consequence thereof have been heard and disposed of by the Chairman or Vice Chairman the person making the objection may, if the requisition made upon him is not withdrawn on the hearing of his objection pay in the said sum of three hundred rupees to the Commissioners as the cost of executing the work or doing the thing required, whereupon such person shall be relieved of all further liability and obligation in respect of executing the work or doing the thing required, and in respect of paying the expenses thereof, and the Commissioners themselves shall execute such work or do such thing and shall exercise all powers necessary therefor

178 The Chairman or Vice Chairman or the Commissioners at a meeting, as the case may be, shall, after hearing the objection and making any inquiry which they may deem necessary, record an order withdrawing such requisition or making absolute the requisition against which the objection is preferred, and, if such order does not withdraw the requisition it shall specify the time within which the requisition shall be carried out, which shall not be

Chairman, etc may make order after hearing objection.

less than the shortest time which might have been mentioned under this Act in the original requisition

Order to be explained orally

179 If the person making such objection be present at the office of the Commissioners the said order shall be explained to him orally, and if such order cannot be so explained, notice of such order shall be served as provided in section 356 on the person making the objection, and such explanation of, or service of the notice of the said order shall be deemed a requisition duly made under this Act to execute the work or do the thing required

Power of Commissioners on failure of person to execute work

180 If the person or persons required to execute the work or to do the thing fail, within the time specified in any requisition as aforesaid, to begin to execute such work or to do such thing, and thereafter diligently to continue the same to the satisfaction of the Commissioners until it is completed the Commissioners or any person authorized by them in that behalf may, after giving forty eight hours notice of their intention by a notification to be posted up on or near the spot enter upon the land and perform all necessary acts for the execution of the work or doing of the thing required, and the expenses thereby incurred shall be paid by the owners or by the occupiers, if such requisition was addressed to the owners or to the occupiers respectively and by the owners and the occupiers if such requisition was addressed to the owners and the occupiers

Commissioners may apportion expenses among owners

181 Whenever any expenses incurred by the Commissioners are to be paid by the owners of any land as provided in the last preceding section, the Commissioners may, if there be more than one owner, apportion the said expenses among such of the owners as are known in such manner as to the Commissioners may seem fit

And whenever any such expenses are to be paid by the occupiers of any land, as provided in the last preceding section, the Commissioners may, if there be more than one occupier, apportion the said expenses among such of the occupiers as are known in such manner as to the Commissioners may seem fit

Apportionment among owners and occupiers

182 Whenever any expenses incurred by the Commissioners are to be paid by the owners and occupiers of any land, as provided in section 180, the Commissioners may apportion the said expenses among the said owners and occupiers or such of them as are known in such manner as to the Commissioners may seem fit

Occupier may recover cost of works executed at his expense from owner

183 Whenever any works or any alterations and improvements of which the Commissioners are authorized by this Part or Part VI to require the execution are executed by the occupier on the requisition of the Commissioners, or are executed by the Commissioners, and the cost thereof is recovered from the occupier, the cost thereof may, if the Commissioners shall certify that such cost ought to be borne by the owner, be deducted by such occupier from the next and following payments of his rent due or becoming due to such owner, or may be recovered by him in any Court of competent jurisdiction

(Part V—Municipal Regulations which shall be generally in force in all Municipalities.—Secs 184-189.)

184 Any owner or occupier of land may contest his liability to pay any expenses or fees under this Part or Part VI, or may contest the amount which he has been called upon to pay in a Civil Court of competent jurisdiction. Liability to pay expenses or fees may be contested in Civil Court.

Provided that the fact of such action having been instituted shall be no bar to the recovery of the said amount, in the manner provided by section 360

185 Where any damages or compensation, other than compensation payable under section 35, are by this Act directed to be paid by the Commissioners, the amount, and, if necessary, the apportionment of the same, shall, in case of dispute, be ascertained and determined by a Civil Court of competent jurisdiction. Damages and compensation how to be determined.

Of Sewage, Offensive Matter, Rubbish, Privies and Drains

186 The Commissioners shall provide all establishments, cattle, carts and implements required [1] [by them] for the removal of sewage, offensive matter and rubbish. Establishments for removal of sewage, offensive matter and rubbish.

187 The Commissioners at a meeting may, from time to time, by an order published as prescribed in section 354, appoint the hours within which it shall be lawful to remove [2] [sewage and] offensive matter and the manner in which the same shall be removed, and may provide places convenient for the deposit thereof, and may require the occupiers of houses to cause the same to be deposited daily, or at other stated intervals, in such places, and may remove the same at the expense of the occupier from any house if the occupier thereof fails to do so in accordance with this Act. Hours and mode of removal of offensive matter

188 Whenever such order shall have been published, n
servant of the Commissioners employed to remove or deal
sive matter or rubbish shall withdraw from his duties with
of the Commissioners, unless he has given notice in writing not less than one month previously of his intention so to withdraw. ...service of the Commissioners

Any mehter or other such person who, after the said publication, withdraws from his duties without giving such notice as aforesaid shall be liable to rigorous imprisonment for a term not exceeding one month, and shall forfeit all salary which may be due to him

189 The Commissioners at a meeting may, from time to time, by an order published as prescribed in section 354, appoint the hours within which only every occupier of any house or land may place rubbish on the public road. Commissioners may appoint hours for placing

[1] The words "by them", in s 186 were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894) s. 53 post, p. 2[illegible].

[2] The words "sewage and", in s. 187, were inserted by the same Act s. 54, post, p. 2[illegible]

rubbish on public road

adjacent to his house or land in order that such rubbish may be removed by the Commissioners and the Commissioners may charge such fees as they may think fit in respect of the removal of such rubbish, with the consent of the occupier of any house or land, from such house or land, or in respect of the removal from such public road of any rubbish which has accumulated in the exercise of a trade or business

Drains privies and cess pools under control of Commissioners

190 All drains, privies and cess pools shall be subject to the inspection and control of the Commissioners

Inspection of drains privies and cess pools

191 The Commissioners, or any officer authorized by them in that behalf, may inspect all privies, drains and cess pools at any time between sunrise and sunset after six hours' notice in writing to the occupier of any premises in which such privies, drains or cess pools are situated, and may, if necessary, cause the ground to be opened where they or he may think fit for the purpose of preventing or removing any nuisance arising from such privies, drains or cess-pools, and the expenses thereby incurred shall be paid by the owner or occupier of such premises

Commissioners may direct the use of disinfectants or deodorants for such drains privies etc, as are in a noxious state

192 Whenever the Commissioners are satisfied that the existence of such privy, drain or cess pool is attended with risk of disease to the inhabitants of the neighbourhood they may direct the use of such disinfectants or deodorants as they shall specify in such privy, drain or cess pool, in such quantities or for such time as they shall think fit The Commissioners shall, if necessary, themselves supply such disinfectants or deodorants for such use at cost price, and the expense thereby incurred shall be considered as an arrear of tax, and be recoverable as such from the owner of such privy, drain or cess pool, or the Commissioners may, if they think fit, order that such expense shall be paid from the Municipal fund

Common privies

193 The Commissioners may provide and maintain in sufficient numbers and in proper situations, common privies and urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be properly cleansed

Licensing of public necessaries

194 The Commissioners may license such necessaries for public accommodation as they from time to time may think proper

Power to require owners to clear noxious vegetation and to improve bad drainage

195 Whenever any land being private property, or within any private enclosure, appears to the Commissioners, by reason of thick or noxious vegetation or jungle, or inequalities of surface, to afford facilities for the commission of a nuisance, or by want of drainage to be in a state injurious to health or offensive to the neighbourhood, the Commissioners may require the owners or occupiers, or the owners and occupiers, of such land, within fifteen days, to clear and remove such vegetation, or level such surface or drain such land:

(Part V —Municipal Regulations which shall be generally in force in all Municipalities —Secs 196 199A)

Provided that, if for the purpose of effecting any drainage under this section it shall be necessary to acquire any land not being the property of the person who is required to drain his land, or to pay compensation to any other person, the Commissioners shall provide such land and pay such compensation

All rubbish collected to be the property of Municipal Commissioners

196 All sewage, rubbish and offensive matter collected by the Commissioners from roads, privies, sewers, cess pools and other places shall be the property of the Commissioners, who shall have power to sell or otherwise dispose of the same and the money arising from the sale thereof shall be carried to the credit of the municipal fund

Sewers, drains, etc, under control of the Commissioners

197 All existing public sewers, drains and other conservancy works shall be under the direction and control of the Commissioners who shall have power to construct any further works of that nature which they may consider necessary

Of Bathing and Washing Places and Tanks

All public streams etc, to be under direction and control of the Commissioners

198 All streams, channels, water courses, tanks reservoirs, springs and wells, not being private property, shall, for the purposes of this Act, be under the direction and control of the Commissioners

Commissioners may make provision for drinking water, bathing places, etc

199 The Commissioners may, by order published at such places as they may think fit, set apart convenient [1] [wells] tanks, [2] parts of rivers, streams or channels not being private property, for the supply of water for drinking and for culinary purposes and may prohibit therein all bathing, washing of clothes and animals, or other acts calculated to pollute the water set apart for the purposes aforesaid ,

and may similarly set apart a sufficient number of the same for the purpose of bathing ,

and a sufficient number for washing animals and clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants

[3] [The Commissioners may, by an order published at such places as they may think fit, prohibit in the private portion of any stream or channel used as a part of the public water supply bathing, washing of clothes or animals or any act likely to pollute the water in the public portion of such stream or channel]

Prohibition by Commissioners of use

[4] 199A If the Chief Civil Medical Officer of the District certifies that the water in any well, tank or other place situated within a municipality is

[1] The word " wells ", in s 199 was inserted by the Bengal Municipal (Amendment) Act 1894 (Ben. Act 4 of 1894) s. 55, *post* p. 290.

[2] *Sic* *Insert* or

[3] This paragraph was substituted for the original paragraph by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894), s. 55 *post*, p. 290.

[4] S. 199A was inserted by the same Act, s. 56, *post*, p. 290.

of unwholesome water

likely, if used for drinking, to engender or cause the spread of any dangerou disease, the Commissioners may, by public notice, prohibit the removal o use of such water for drinking during a period to be specified in such order

Power to require unwholesome tanks or private premises to be cleansed or drained.

[1] 200 (1) The Commissioners may require the owner or occupier of an land within eight days, or such longer period as the Commissioners may fix either to re excavate or fill up with suitable material, at his option, or t cleanse any well, water course, private tank or pool therein, and to drain of and remove any waste or stagnant water which may appear to be injurious t health or offensive to the neighbourhood

Provided that if, for the purpose of affecting any drainage under thi section, it shall be necessary to acquire any land not being the property of the person who is required to drain his land or to pay compensation to any other person, the Commissioners shall provide such land and pay such compensation

Commissioners may retain possession of tank or pool until expenses for re excavation etc, are realized

(2) If under section 180 the Commissioners execute the work of such re excavation or filling up with suitable material, they may retain possession of the tank or pool, or the site of such tank or pool, and turn the same to profitable account until the expenses thereby incurred shall have been realized

Of Obstructions and Encroachments on Roads.

Power to close a road or part of a road for repairs or other public purpose

201. The Commissioners may close temporarily any road or part of a road for the purpose of repairing such road, or for the purpose of constructing any sewer, drain, culvert or bridge, or for any other public purpose

Provided that the Commissioners so closing any road shall be bound to provide reasonable means of access for persons occupying holdings adjacent to such road

Whenever, owing to such repairs or constructions, or from any other cause, any road or part of a road shall be in a state which is dangerous to passengers the Commissioners shall cause sufficient barriers or fences to be erected for the security of life and property, and shall cause such barriers or fences to be sufficiently lighted from sunset to sunrise

Removal of future obstructions or encroachments in or on road

202 The Commissioners may issue a notice requiring any person to remove any wall which he may have built, or any fence, rail, post or other obstruction or encroachment, which he may have erected in or on any road or open drain, sewer or aqueduct, after the date on which the District Municipal Improvement Act, 1864, [2] or the District Towns Act, 1868, [2] or the Bengal Municipal Act, 1876, [2] as the case may be, took effect in the municipality, or, in case none of the said Acts was in force in the Municipality

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[illegible] (Amend

[illegible] Act, 1876

[illegible] wherever this Act is in force

before the commencement of this Act, then after the date on which this Act may have been extended thereto , and if such person shall fail to comply with such requisition within eight days of the receipt of the same the Magistrate may, on the application of the Commissioners, order that such obstruction or encroachment be removed , and thereupon the Commissioners may remove any such obstruction or encroachment and the expenses thereby incurred shall be paid by the person who erected the same

No person shall be entitled to compensation in respect of the removal of any wall, fence, rail post or other obstruction under this section

Procedure when person who erected obstruction cannot be found

203 If the person who built or erected the said wall, fence, rail, post or other obstruction or encroachment is not known or cannot be found, the Commissioners may cause a notice to be posted up in the neighbourhood of the said wall, fence, rail, post or other obstruction or encroachment, requiring any person interested in the same to remove it, and it shall not be necessary to name any person in such requisition and, if the said wall, fence, rail, post or other obstruction or encroachment be not removed in compliance with the requisition contained in such notice within eight days of the posting up of the same, the Magistrate may, on the application of the Commissioners, order that such obstruction or encroachment be removed , and thereupon the Commissioners may remove any such obstruction or encroachment, and may recover the cost of such removal by sale of the materials so removed

The surplus sale proceeds (if any) shall be credited to the municipal fund, and may be paid on demand to any person who establishes his right to the satisfaction of the Commissioners or in a Court of competent jurisdiction

Projections from houses erected in future to be removed.

204 The Commissioners may give notice in writing to the owner or occupier of any house requiring him to remove or alter any projection, encroachment or obstruction erected or placed against or in front of such house which may have been so erected or placed after the date on which the District Municipal Improvement Act, 1864, [1] or the District Towns Act, 1868, [1] or the Bengal Municipal Act, 1876, [1] as the case may be, took effect in the municipality , or, in case none of the said Acts was in force in the municipality before the commencement of this Act, then after the date on which this Act may have been extended thereto, if the same overhangs the road or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any road ,

or obstructs, or projects, or encroaches into or upon any aqueduct, drain or sewer in such road

And, if such owner or occupier shall fail to comply with such requisition within eight days of the receipt of the same, the Magistrate may, on the

[1] Ben. Acts 3 of 1864 and 6 of 1868 were repealed by the Bengal Municipal Act, 1876 (Ben. Act 5 of 1876) and the latter Act has been repealed by s. 2 of the present Act wherever this Act is in force

application of the Commissioners, order that such projection, encroachment or obstruction be removed or altered, and thereupon the Commissioners may remove or alter such projection, encroachment or obstruction, and the expenses thereby incurred shall be paid by the owner or occupier so making default.

No person shall be entitled to compensation in respect of the removal of any projection, obstruction or encroachment under this section.

Effect of order made under sections 202, 203, 204 or 233.

205. Every order made by the Magistrate under sections 202, 203, 204 or 233 shall be deemed to be an order made by him in the discharge of his judicial duty, and the Commissioners shall be deemed to be persons bound to execute such orders of a Magistrate within the meaning of Act 18 of 1850 (*for the protection of Judicial Officers*).[1]

Houses projecting beyond line of road or drain when taken down to be set back.

206. Whenever any house, part of which projects beyond the regular line of a road or drain, or beyond the front of the house on either side thereof, shall be burnt down or otherwise destroyed, or shall be taken down in order to be re-built or repaired, the Commissioners may require the same to be set back, to, or beyond, the line of the road or drain, or the line of the adjoining house, and may pay reasonable compensation to the owner of such house if any damage shall be thereby sustained.

Fallen house, etc., obstructing road or drain to be removed by owner.

207. Whenever any private house, wall or other erection, or any tree, shall fall down and obstruct any public drain or encumber any public highway, the Commissioners may remove such obstruction or incumbrance at the expense of the owner of the same, or may require him to remove the same within such time as to the Commissioners shall seem fit.

Commissioners may require land-holders to trim hedges, etc.

[2] 208. The Commissioners may require the owner or occupier of any land within three days to trim or prune the hedges thereon bordering on any road, and to cut and trim any trees thereon overhanging any road or tank, or any well used for drinking purposes, or obstructing any road or causing, or likely to cause, damage to any road or any property of the Commissioners, or likely to cause damage to any person using any road, or fouling or likely to foul the water of any well or tank.

Of General Conservancy and Improvement.

Wells, tanks, etc., to be secured.

209. If any well, tank or other excavation, whether on public or private ground, be, for want of sufficient repairs or protection, dangerous to passengers, the Commissioners shall forthwith, if it appears to them to be necessary,

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[1] The Judicial Officers' Protection Act, 1850. It is printed in General Acts, 1834-60, Ed. 1887, p. 62.

[2] This section was substituted for the original s. 208 by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894), s. 58, *post*, p. 297. The original s. 208 ran thus:—

"The Commissioners may require the owner or occupier of any land within three days to trim or prune the hedges bordering on any road, and to cut and trim any trees overhanging any road and obstructing the same or causing damage thereto."

cause a temporary hoard or fence to be put up for the protection of passengers, and may require the owners or occupiers, or the owners and occupiers, of the land on which such tank, well or other excavation is situated, within seven days properly to secure or protect such well, tank or other excavation.

[1]210. If any building, or portion of a building, or structure affixed to a building, be deemed by the Commissioners to be in a ruinous state and dangerous to the inmates, if any, of such building or of any other building or to passers by, or if any wall or other structure be deemed by the Commissioners to be in a ruinous state and dangerous to passers by or to any other persons, they shall forthwith, if it appears to them necessary, cause a proper hoard or fence to be put up for the protection of passers by or of other persons who may be endangered, and may require the owner or occupier of the building or the owner or occupier of the land to which such building, wall or other structure is affixed, within seven days, to take down, secure or repair such building, wall or other structure, as the case may require. Fencing of buildings in a dangerous state.

[2]210A. Whenever it appears to the Commissioners that any building, by reason of being unsecured and untenanted, or by reason of having fallen into ruins, affords facilities for the commission of a nuisance or for the harbouring of snakes or other noxious animals, the Commissioners may require the owner of such building or the owner of the land to which such building is attached, to properly secure the same, or to remove or level such ruins, as the case may require. Commissioners may require owners to pull down ruins.

211. If the Commissioners shall have caused any repairs to be made to any house or other structure, and if such house or other structure be unoccupied, the Commissioners may enter upon possession of the same, and may retain possession thereof until the sum expended by them on the repairs be paid to them. Power to enter upon possession of houses so repaired.

212. The materials of anything which shall have been pulled down or removed under the provisions of section [3] [175 and] 210 may be sold by the Commissioners, and the proceeds of such sale may be applied, so far as the same will extend, to the payment of the expenses incurred. Sale of materials of houses, etc., pulled down.

The surplus sale proceeds (if any) shall be credited to the municipal fund, and may be paid on demand to any person who establishes his right to the satisfaction of the Commissioners or in a Court of competent jurisdiction.

213. The Commissioners may, by published order, appoint from time to time certain periods within which any dogs without collars or other marks Stray dogs to be killed at certain

[1] ... Municipal (Amend ...

... 1894 (Ben. Act 4 ...

[2] ... Bengal Municipal ...

appointed periods

distinguishing them as private property, found straying in the roads or beyond the enclosures of the houses of the owners of such dogs may be destroyed, and such dogs may be destroyed in accordance with such order

Commissioners may offer rewards for destruction of noxious animals

214 The Commissioners at a meeting may offer rewards for the destruction of noxious animals within the limits of a municipality

Names of roads and numbers of houses

215 The Commissioners at a meeting may cause a name to be given to any road and to be affixed in such place as they may think fit, and may also cause a number to be affixed to every house, and in like manner may, from time to time cause such names and numbers to be altered

Penalties

Offences under sections 189 and 215

216. Any person who, in any municipality,—

(1) places or allows his servants to place rubbish on a public road at other than the times appointed by the Commissioners under the provisions of section 189, or

(2) destroys, pulls down, defaces or alters any name or number put up by the Commissioners under the authority of section 215,

shall, for every such offence, be liable to a penalty not exceeding twenty rupees

Occupier not removing filth etc

217 Any person who, in any municipality,—

(1) being the occupier of a house in or near a public road, keeps, or allows to be kept, for more than twenty four hours, or for more than such shorter time as may be prescribed by a by law, otherwise than in some proper receptacle any dirt, dung, bones, ashes, night soil or filth or any noxious or offensive matter, in or upon such house, or in any out-house, yard or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse the same, or

Keeping unlicensed public necessary

(2) keeps any public necessary without a license from the Commissioners under section 194, or, having a license for a public necessary, suffers such necessary to be in a filthy or noxious state, or neglects to employ proper means for cleansing the same, or

Not keeping private drain, etc, in proper order

(3) being the owner or occupier of any private drain, privy or cess pool, neglects or refuses, after warning from the Commissioners, to keep the same in a proper state, or

Disobeying order under section 199 or 199A.

(4) disobeys an order passed by the Commissioners under the provisions of section 199 [1] [or 199A], or

Erecting obstruction.

(5) encroaches upon any road, drain, sewer, aqueduct or watercourse by making any excavation, or by erecting any wall, fence, rail, post or other obstruction,

shall, for every such offence, be liable to a penalty not exceeding fifty rupees.

Disobeying requisition under section 202, 204, 206, 207 or 208.

218. Whoever, being an owner or occupier of any house or land within a municipality, fails to comply with a requisition issued by the Commissioners under the provisions of sections 202, 204, [2] [206, 207] or 208, shall be liable, for every such default, to a penalty not exceeding fifty rupees, and to a further penalty, not exceeding ten rupees, for every day during which the default is continued after the expiration of eight days from the date of service on him of such requisition.

Disobeying requisition under sections 195, 200, 209, 210 or 210A.

219. Whoever, being an owner or occupier of any house or land within a municipality fails to comply with any requisition issued by the Commissioners under the provisions of sections 195, 200, 209, [3] [210 or 210A] shall be liable, for every such default, to a penalty not exceeding one hundred rupees, and to a further penalty, not exceeding twenty rupees, for every day during which the default is continued after the expiration of eight days from the date of service on him of such requisition.

PART VI

Of Special Regulations

Operation of Parts VI, VII, VIII, IX and X.

220. No provision contained in this Part, or in Parts VII, VIII, IX or X shall apply to any municipality, unless and until it has been expressly extended thereto by the Local Government [4] in the manner provided by the next succeeding section:

Saving clause.

[5] [Provided that, except as is otherwise provided by this Act, in the case of any municipality to which all the provisions of any one of the Parts VII, VIII or IX of the Bengal Municipal Act, 1876, [6] may have been extended,

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[1] [illegible]

this Code, p. 510.

[4] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3 and Sch. D, Pt. I, cl. I, in Vol. I, pp. 623-624.

[5] This proviso was added to s. 220 by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894), s. 65, *post*, p. 297.

[6] The Bengal Municipal Act, 1876 (Ben. Act 5 of 1876), has been repealed by s. 2 of the present Act, wherever this Act is in force.

and provided that such provisions were still in force in such municipality immediately before the commencement of this Act, all the provisions of the corresponding Part of this Act namely of Parts VI, XI or X, respectively, shall be, and shall be deemed to have always been, in force in such municipality without such provisions being expressly extended thereto]

Local Government may order the provisions of the said Parts to be in force

221 The Commissioners may apply, in pursuance of a resolution passed at a meeting specially convened to consider the question, to the Local Government [1], to extend to the municipality all or any of the provisions of this Part, or of Parts VII, VIII, IX or X, or to exclude from the operation of the said provisions, or any of them, any place within the municipality

And the Local Government [1] may thereupon make an order accordingly.

Publication of order

222. Every such order shall be published in the Calcutta Gazette [2], and the Commissioners shall, within fifteen days of such publication, cause a copy of the same, with a translation thereof into the vernacular of the district, to be posted up at their office, with a notice of the date on which such order shall take effect and shall cause the same to be published as prescribed in section 354

And the said provisions shall come into force in the municipality from the date so fixed

Provided that the date so fixed shall not be less than fifteen days after the publication under the said section, or more than three months after the publication of the order of the Local Government [1] as aforesaid in the Calcutta Gazette [2]

Local Government may cancel or modify order

223 The Local Government [1], on a similar application made by the Commissioners, may, at any time, cancel or modify an order made under section 221, and such cancellation or modification shall be published and shall take effect in the manner prescribed by the last preceding section

[3] *Of a Survey*

Survey of a municipality

[3] 223A. The Commissioners at a meeting may order that a survey shall be made of the lands situated in the municipality, and thereupon all the provisions of the Calcutta Survey Act, 1887, [4] shall, so far as may be practicable, apply and be extended to such municipality Ben 1887

Of Privies, Drains and Excavations

Commissioners may require

224 The Commissioners may require the owners or occupiers, or the

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905), s 3 and Sch D Pt I, cl I in Vol I, pp 623 624

[2] Now the E B. and A Gazette—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s 3 and Sch D, Pt I, cl VII, in Vol I, pp 623 625

[3] This heading and s 223A were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben Act 4 of 1894) s 60 *post*, p 297

[4] Printed *post*, p 223

owners and occupiers, of any land, within fifteen days, to repair and make efficient any drain, privy or cess pool, or to remove any privy or close any cess pool which is situated on such land. Owner or occupier to repair drain, etc.

225. Every person constructing a privy shall have such privy shut out by a sufficient roof and wall or fence from the view of persons passing by, or residing in, the neighbourhood and the Commissioners may require any owner or occupier of land on which a privy stands to cause the same to be shut out from view as aforesaid within fifteen days. Privies must be properly enclosed.

226. If any person, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters, or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners the Commissioners may cause such branch drain to be demolished, altered, re-made or otherwise dealt with as they shall think fit, and the expenses thereby incurred shall be paid by the person making or altering such branch drain. Unauthorized drains leading into public sewers may be demolished.

227. If any land, being within one hundred feet of a sewer, drain or other outlet into which such land may, in the opinion of the Commissioners, be drained *is not drained to the satisfaction of the Commissioners, the Commis*sioners may require the owner, within one month to drain the said land into such sewer, drain or outlet. Commissioners may require owner *to drain land*

228. If it appear to the Commissioners that a group or block of houses may be drained or improved more economically or advantageously in combination than separately, and a sewer, drain or other outlet already exists within one hundred feet of any part of such group or block of houses, the Commissioners may cause such group or block of houses to be so drained and improved, Group or block of houses, etc., may be drained by a combined operation.

and the expenses thereby incurred shall be recovered from the owners of such houses in such proportions as shall to the Commissioners seem fit.

229. If any branch drain, privy or cess pool be constructed contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act or if any person, without the consent of the Commissioners, constructs, re builds or unstops any branch drain, privy or cess pool which has been ordered by them to be demolished or stopped up, or not to be made, the Commissioners may cause such amendment or alteration to be made in any such drain privy or cess pool as they think fit, or may cause the same to be removed, Commissioners may alter any drain, etc., made contrary to their orders.

and the expenses thereby incurred shall be paid by the person by whom such drain, privy or cess pool was improperly constructed, re built or unstopped.

230. No person shall, without the written permission of the Commissioners, construct or keep any latrine, urinal cess pool house drain or other receptacle for sewage or other offensive matter within fifty feet of any public tank or water course, or a tank or water course which the inhabitants of any locality use. No latrine, etc. to be constructed within fifty feet of tank or water course.

The Commissioners may require any owner and occupier upon whose land any latrine, urinal, cess pool, house drain or other receptacle so situated exists, or may hereafter be constructed to remove the same within eight days

Construction of privy

231 No person shall without the written permission of the Commissioners, construct a privy with a door or trap door opening on to any road or drain The Commissioners may require any owner or occupier upon whose land any such privy exists to remove the same within eight days

Power to prohibit excavations

232 The Commissioners at a meeting may, by a general order, prohibit the making of excavations for the purpose of taking earth or stone therefrom, or for the purpose of storing rubbish or offensive matter therein and the digging of cess pools, tanks or pits without special permission previously obtained from them

If any such excavation cess pool tank or pit is made after the issue and publication of such order without such special permission, the Commissioners may require the owners and occupiers of the land on which such excavation cess pool, tank or pit is made, within two weeks, to fill up such excavation

Of Obstructions and Encroachments on Roads

Removal of existing projection from houses

233 The Commissioners at a meeting may determine on the removal or alteration, as they shall think fit of any projection encroachment or obstruction which may have been erected or placed against, or in front of any house on any road within the limits of the municipality before the date on which the District Municipal Act, 1864, [1] or the District Towns Act, 1868 [1] or the Bengal Municipal Act 1876 [1] as the case may be, came into force in the municipality, or in case none of the said Acts was in force in the municipality before the commencement of this Act then before the date on which this Act may have been extended thereto

Ben Act 1864
Ben Act 1868
Ben Act 1876

Notice in writing shall be given to the owner or occupier of such house requiring him to remove or alter the said projection encroachment or obstruction, or to show cause before the Commissioners why he should not be required so to do, and, if such owner or occupier shall fail to comply with such requisition within thirty days of the receipt of the same, or if after such owner or occupier shall have shown cause against being required to remove or alter the said projection, encroachment or obstruction, the Commissioners shall make an absolute order directing such removal or alteration, and, if such owner or occupier shall fail to comply with such order within fifteen days of the date of the same, the Magistrate may, on the application of the Commissioners, order such projection, encroachment or obstruction to be removed or altered, and thereupon the Commissioners may remove or alter such projection, encroachment or obstruction

[1] Ben. Acts 3 of 1864 and 6 of 1868 were repealed by the Bengal Municipal Act 1876 (Ben Act 5 of 1876) and the latter Act has been repealed by s. 2 of the present Act, wherever this Act is in force.

The Commissioners shall make reasonable compensation to every person who suffers damage by any removal or alteration under this section

In determining the amount of compensation, the value of the land shall not be taken into consideration

234 The Commissioners may grant permission to any person, for such period as they may think fit, to deposit any movable property on any road, or to make an excavation in any road, or to enclose the whole or any part of any road, and may charge such fees as they may fix for such permission — Leave to deposit materials on or to excavate or close a road

Provided that such person undertakes to make due provision for the passage of the public and to erect sufficient fences to protect the public from injury, danger or annoyance, and to light such fences from sunset to sunrise sufficiently for such purpose

235 Every person intending to build or take down any house, or to alter or repair the outward part of any house, shall, if any public road will be obstructed or rendered inconvenient by means of such work, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the house where such works are being carried on from the road, and shall keep such hoard or fence standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night — Hoards to be set up during repairs

Provided that no person shall put up a hoard or fence without the written permission of the Commissioners, nor shall he keep up the said hoard or fence for a time longer than allowed in the said written permission

Of Building Regulations

236 The Commissioners at a meeting may, [1] [by an order published in the manner prescribed in section 354,] direct that within certain limits, to be fixed by them the external roofs and walls of huts or other buildings which may thereafter be erected, or the roofs or walls of which may thereafter be renewed or repaired, shall not be made of grass, leaves, mats or other inflammable materials — Roofs and external walls not to be made of inflammable materials.

[2] 237. (1) Every person who intends to erect or re erect any house, not being a hut, shall give notice in writing of his intention to the Commissioners, and shall accompany such notice with a general description of the building which he intends to erect, and of the provision he intends to make in respect of drainage and latrine accommodation, and the Commissioners may, within six weeks after the receipt of such notice, either refuse to sanction the said building or may sanction the said building either absolutely or subject to any — Notice of erecting a house not being a hut]

written directions which the Commissioners may deem fit to issue in accordance with the rules, if any, made under section 241

Provided that the Commissioners shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re erection of any house, or of their requiring any land belonging to him to be added to the street

(2) Any person giving notice to the Commissioners under this section shall, if required to do so by any rule, forward with his notice a plan and specification of the house, not being a hut, which he intends to erect or re erect, together with a site plan of the land of such character, and with such details as the rule may require, and no notice under this section shall be valid until such plans and specification have been supplied

Commissioners may order a house not being a hut erected without notice, etc, to be altered or demolished

[1] 238 (1) Should any person commence to erect or re erect such house not being a hut without giving notice, or without submitting such plans and specification as aforesaid, [2] [or without waiting for the orders of the Commissioners for six weeks from the date of his giving notice in writing under section 237], or in contravention of any legal order of the Commissioners issued within six weeks of receipt of a valid notice under the last preceding section, the Commissioners may, by notice to be delivered within fifteen days, require the building to be altered or demolished, as they may deem necessary

(2) Should the Commissioners neglect or omit for six weeks after the receipt of a valid notice under the last preceding section to make and deliver to the person who has given such notice any order in respect thereof they shall be deemed to have sanctioned the proposed house absolutely

Provided that no rule under section 241 and no legal order shall be held to have been contravened by anything done in accordance with plans and specifications forwarded to the Commissioners under section 237 and not objected to by them

Sanction available for one year only.

[1] 239 Every sanction for the erection or re erection of any house, not being a hut, which shall be given or deemed to be given by the Commissioners, shall be available for one year from the date on which the notice shall have become valid and complete, and no longer, and should the house so sanctioned not have been begun by the person who has obtained such sanction, or some one lawfully claiming under him within such year, it shall not be begun without fresh sanction, but such person as aforesaid may, at any subsequent time, give fresh notice to the Commissioners in the manner hereinbefore prescribed, and thereupon the provisions hereinbefore contained shall apply to such notice

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[1] Ss 238 and 239 are new—*see* footnote [*] on p 109, *ante*
[2] The words and figures in square brackets in s 238 were inserted by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act 2 of 1896) s 12, *post*, p 306

[1] 240. The expression "erect or re-erect any house, not being a hut," as used in the two last preceding sections, includes— Definition of expression "erect or re-erect any house, not being a hut."

(*a*) any material alteration or enlargement of any building;

(*b*) such alterations of the internal arrangements of a house as effect an alteration of its drainage or sanitary arrangements, or affect its stability.

[1] 241. (1) The Commissioners at a meeting may from time to time make, repeal or alter rules to regulate the erection or re-erection of houses, not being huts, within the municipality in respect of all or any of the following matters:— Power of the Commissioners to make rules as to mode of construction of houses not being huts.

(*a*) the materials and method of construction to be used for external and party walls, roofs, floors, fire-places and chimneys;

(*b*) the provision, position and ventilation of drains, privies and cess-pools;

(*c*) the free passage or way in front of the house;

(*d*) the space to be left about the house to secure free circulation of air and facilitate scavengering, and for the prevention of fire;

(*e*) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

(*f*) the level and width of the foundation, the level of the lowest floor, and the stability of the structure;

(*g*) the number and height of the storeys of which the house may consist;

(*h*) the means to be provided for egress from the house in case of fire;

(*i*) the line of frontage with neighbouring houses if the house abuts on a street.

(2) Rules under this section, not inconsistent with the Act, shall be subject to the sanction of the Local Government, [2] and shall, if sanctioned, be published in such manner as the Local Government [2] may direct and shall have the force of law.

(3) If, in and during the erection or re-erection of any house any rule under this section is contravened, the Commissioners may by notice to be delivered within fifteen days, require the building to be altered or, if necessary, demolished, within the space of thirty days, so as to secure conformity to such rule.

(4) This section shall not take effect in a municipality until it has been specially extended thereto by the Local Government [2] at the request of the Commissioners at a meeting.

[3] 242. The Commissioners may prohibit the owner of any house, not being a hut, from letting it for occupation, if in their opinion it is unstable, or if the drainage or latrine accommodation of such house is in their opinion defective, until its stability shall have been secured or, such defects in Commissioners may prohibit letting of unstable or ill-drained house.

drainage or latrine accommodation shall have been made good to their satisfaction

Appeals from orders of Commissioners

[1] 242A (1) Any person aggrieved--

(*a*) by the prohibition by the Commissioners under section 237 of the erection or re erection of a house, not being a hut, or

(*b*) by a notice from the Commissioners under section 238 or sub section (3) of section 241, requiring the alteration or demolition of a building, or

(*c*) by any order made by the Commissioners under the powers conferred upon them by section 242,

may appeal within thirty days from the date of such prohibition, notice or order, to the Commissioners, and every such appeal shall be heard and determined by not less than three Commissioners, who shall be appointed in that behalf by the Commissioners at a meeting, and no such prohibition, notice or order shall be liable to be called in question otherwise than by such appeal

(2) The appellate authority may, for sufficient cause, extend the period allowed by sub section (1) of this section for appeal

(3) The order of the appellate authority confirming, setting aside or modifying the prohibition, notice or order appealed from shall be final

Provided that the prohibition, notice or order shall not be modified or set aside until the appellant and the Commissioners have had reasonable opportunity of being heard

Erection of new huts to be under the control of the Commissioners

243 It shall not be lawful for any person to erect a hut, or any range or block of huts or sheds, or to add any hut or shed to any range or block already existing, or to enlarge any existing hut, without [2] [one month's] previous notice to the Commissioners, and the Commissioners may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of [3] [each line] and between [4] [every two lines] of such width as they may think proper for ventilation and to facilitate scavengering, and with such number of privies, and with such means of drainage, as to them may seem necessary, and at such a level as will admit of such drainage, and with a plinth at least two feet above the level of the nearest street

Power to direct removal of huts built without notice

244 If any such huts or sheds be built without giving such notice to the Commissioners, or otherwise than as required by the Commissioners, the Commissioners may require the owners of the land on which such huts and sheds are built, and the occupiers of such huts and sheds, to take down and remove

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[1] S 242A was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894) s 70 *post*, p 297

[2] The words "one month's", in s. 243, were inserted by the same Act s 71, *post*, p 297

[3] These words "each line" in 243 were inserted by the same Act, s. 71, *post* p 297

[4] These words "every two lines", in s 243, were substituted for the words "each line" by the same Act, s 71, *post*, p. 297

the same within one month, or to effect such alterations as they may deem necessary.

Of Sanitary Measures with regard to Blocks of Huts.

245. Whenever the Commissioners at a meeting are satisfied, from inspection, or by report of competent persons, that any existing block of huts within the municipality is, by reason of the manner in which the huts are constructed or crowded together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants of the neighbourhood, they may cause the locality to be inspected by two medical officers, who shall make a report in writing on the sanitary condition of the said block of huts, and shall specify, if necessary, in the said report, the huts which should be removed, the roads, drains and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease. Power of Commissioners as to inspection of huts.

246. On receipt of the said report, the Commissioners at a meeting may require the owners or occupiers of the huts, or, at the option of the Commissioners, the owner of the land on which such huts are built, to carry out and execute, within a reasonable time to be fixed by the Commissioners for such purpose, all or any of the works specified in the aforesaid report or any portion thereof respectively, and if such owner, owners or occupiers shall fail to comply with such requisition, the Commissioners themselves may execute all or any of such works. On receipt of report, Commissioners may cause notice to be served.

247. The Commissioners at a meeting may order that any expenses payable in respect of any work done by them in consequence of the failure of the owners or occupiers to execute such work when required to do so under the last preceding section shall be recovered by instalments from the person liable to pay the same; or, if it should appear to them that the said person is unable by reason of poverty to pay the same, may order the same, or any portion thereof, to be paid out of the municipal fund. Expenses may be recovered by instalments or remitted in case of poverty.

248. If any of the said huts be pulled down, the Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut, or if the owner be unknown or the title disputed shall be held in deposit by the Commissioners, until the person interested therein shall obtain the order of a Civil Court of competent jurisdiction for the payment of the same. Sale of huts.

Of the Regulation of the Sale of Food, Drink and Drugs. [1]

249. Every owner, or occupier, or farmer, of any place for the sale of meat, poultry, fish or vegetables, or of any slaughter house, within the limits of a Markets, slaughter houses, etc.,

[1] For further provisions as to slaughter houses and meat and fish markets in Eastern Bengal—*see* the Bengal Municipal (Slaughter houses and Meat Markets) Act, 1865 (Ben. Act 7 of 1865), in Vol. II, p. 27.

to be properly drained

municipality, shall cause such drains to be made therein as shall be considered sufficient by the Commissioners, and (if required so to do by the Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided sufficient for keeping such place or slaughter house in a clean and wholesome state

Sale of unwholesome *food or drink*

250 Any Magistrate, on the application of the Commissioners or any of their officers setting forth that there is just cause to believe that any article which has been rendered or has become noxious or unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold or offered or exposed for sale, within the limits of a municipality as food or drink for man, may grant a warrant to enter upon the premises of such person, and to search for and seize such article

And, if it appear to the said Magistrate that the same is noxious or unfit for such use, he shall order it to be forfeited and disposed of in such way as to him shall seem proper

Prohibition of the sale of articles of food not of the proper nature substance or quality

[1] 251 No person shall sell to the prejudice of the purchaser any article of food which is not of the nature, substance or quality of the article demanded by such purchaser under a penalty not exceeding one hundred rupees

Provided that an offence shall not be deemed to be committed under this section in the following cases that is to say —

(1) where any matter or ingredient not injurious to health has been added to the food, because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food, or conceal the inferior quality thereof,

(2) where the food is unavoidably mixed with some extraneous matter in the process of collection or preparation

The term "food" shall include every article used for food or drink by man other than drugs or water

In any prosecution under this section it shall be no defence to allege that the purchaser having bought only for analysis was not prejudiced by the sale

No proceedings to be had without leave of the Commissioners

[2] 251A No proceedings shall be instituted under the last preceding section without the order or consent of the Commissioners

Power of commissioners to

[2] 251B The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any market

[1] This section was substituted for the original s. 251 by the Bengal Municipal (Amendment) Act 1886 (Ben. Act 3 of 1886) s. 2 *post* p 221

[2] Ss. 251A and 251B were inserted by the Bengal Municipal (Amendment) Act 1886 (Ben Act 3 of 1886) s. 3 *post* p 221

building, shop, stall or place used for the sale or storage of articles intended for food, or as a slaughter-house, and may examine any such articles which may be therein, and, if upon examination such articles, or any of them, appear to be unfit for food, may seize the same. *enter and inspect markets, shops, etc., and to seize unwholesome articles exposed for sale.*

[1] 251C. Upon the seizure of any article of food under the last preceding section, the same may, if the owner or the person in whose possession the same is found consents, be forthwith destroyed or so disposed of as to prevent it being used as food, but, if the owner or the person in whose possession the same is found do not consent, then if it appear to a Magistrate upon sufficient evidence that the same is unfit for food, he shall order the same to be destroyed or so disposed of as to prevent it being used as food, and may impose a penalty not exceeding one hundred rupees upon the owner or person in whose possession the same was found, such person not being merely a carrier or bailee thereof. *Power to destroy unwholesome articles.*

[1] 251D. If the Commissioners, or any person authorized by them in that behalf, shall apply to purchase any article of food exposed to sale, and shall tender the price for a quantity not more than shall be reasonably requisite for the purpose of analysis, and the person exposing the same for sale shall refuse to sell the same, such person shall be liable to a penalty not exceeding fifty rupees. *Person refusing to sell any article to Commissioners liable to penalty.*

252. No shop or place shall be kept for the retail sale of drugs recognized by the British Pharmacopœia, not being also articles of ordinary domestic consumption, unless the same shall have been registered in the office of the Commissioners. Any keeper of such shop or place failing to register the same within two months after this section shall come into force, or within two months from the date of the establishment of such place, shall be liable to a fine not exceeding one hundred rupees. The Commissioners shall upon registration, grant the keeper of such shop or place a license which he shall be bound to display in some conspicuous part of his premises. *Registry of shops for sale of European drugs.*

No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with such duties under rules[2] made for that purpose by the Local Government.[3] *Certificated dispensers.*

Provided that the provisions contained in the second clause of this section shall not come into operation until after the expiration of a period of six months

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[1] Ss. 251C and 251D were inserted by the Bengal Municipal (Amendment) Act, 1886 (Ben. Act 3 of 1886), s. 3, post, p. [illegible]

[2] [illegible] Local Statutory Rules [illegible] candidates for exam[illegible]

[3] [illegible] Bengal and Assam [illegible] 621 [illegible]

from the publication of a notification to that effect in the Calcutta Gazette[1] by the Local Government.[2]

Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners of indigenous medicines, whether recognized by the British Pharmacopœia or not, when such drugs are not sold in a shop or place where medicines recognized by such Pharmacopœia are dispensed upon prescription.

Inspection of drugs.

253. The Commissioners, or any person authorized by them in that behalf, may at all reasonable times enter into and inspect any place kept for the sale of drugs, or in which drugs are sold, and if they have reason to suspect that any drug in the said place is adulterated, or by reason of age or the effect of climate has become inert or unwholesome, or has otherwise become deteriorated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, may remove the same on giving a receipt therefor, specifying the nature and quantity of the drug removed, and its approximate value; and if it appear to a Magistrate that the said drug, removed as aforesaid, is adulterated or has become inert, unwholesome or deteriorated, as aforesaid, he may order the same to be destroyed, or to be so disposed of as to him may seem fit.

Compensation if drug be not adulterated.

If it shall appear to the said Magistrate that the drug so removed is not adulterated or has not become inert, unwholesome or deteriorated as aforesaid, the person from whose shop or place it has been taken shall be entitled to have it restored to him, and it shall be in the discretion of the said Magistrate to award him such compensation as he may think proper, not exceeding the actual loss which has been sustained.

If the drug removed as aforesaid is not brought before a Magistrate, it shall be restored to the person from whose shop or place it was taken, and such person shall be entitled to compensation for any actual loss which he may have sustained by the removal of the said drug.

Of Burial and Burning Grounds.

Registration of existing burial and burning grounds.

254. Within three months from the date on which this and the six[3] next succeeding sections may come into force as provided in section 222, every place which is used as a burial or burning ground for corpses shall be registered as such by the owner thereof in the office of the Commissioners, but no fee shall be charged for such registry.

No new or disused burial or burning place hence-

255. No burial or burning ground, whether public or private, shall be made or formed, or, having lapsed into disuse, shall be again used as such,

[1] Now the E. B. and A. Gazette ... [illegible] of 1905).
[illegible]
[illegible] ... nd Assam
Law [illegible]
[illegible]

(*Part VI.—Of Special Regulations —Secs* 256 258)

otherwise than with the permission of the Commissioners, or under the authority of the Local Government [1]

forth to be used without leave of Government or of Commissioners

256 If it shall appear to the Commissioners at a meeting that any public or private burial or burning ground is dangerous to health or offensive to the tax payers, or to the inhabitants of the neighbourhood, and also that a suitable place for interment or burning, as the case may be exist within a convenient distance and is open and available to the inhabitants of the municipality, the Commissioners shall give public notice of their intention to close such burial or burning ground, and shall consider any objections which may be preferred *within fifteen days of the publication of such notice, after considering such* objections, they may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning ground

Commissioners may order certain burial or burning grounds to be closed

If any building is attached to, and used in connection with, a burning ground closed under this section, the Commissioners shall, if the owner of such building make an application to them in that behalf take over the same on payment of a fair price therefor

[2]256A When notice is given of the intention to close any burial ground under the last preceding section, private burial places in such burial grounds may be excepted from the notice subject to such conditions as the Commissioners at a meeting may impose in this behalf

Private burial places may be excepted.

Provided that the limits of such burial places are defined, and that they shall only be used for the burial of members of the family of the owners thereof

[2]256B Any person aggrieved by any order made by the Commissioners under the powers conferred upon them by the two last preceding sections may appeal to the Magistrate whose decision shall be final

Appeals from orders under sections 256 and 256A

257 After the expiration of the three months mentioned in section 254, no corpse shall be buried or burnt otherwise than in a place which is borne on the register of the Commissioners as an open burial or burning ground, but the Commissioners may grant special permission for a corpse to be buried or burnt elsewhere

Prohibition to bury or burn in unregistered ground.

258 After the expiration of not less than twenty four hours from the death of any person, the Commissioners may cause the corpse of such person to be burnt or buried, and the expenses thereby incurred shall be recoverable as a debt due from the estate of such person In every such case the corpse

Commissioners may cause corpses to be burnt or buried according to the

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl I in Vol 1 pp 623 631 As to the delegation to Commissioners of Divisions of the Local Government s power *see* s. 29A, *ante*, p 51

[2] Ss 256A and 256B were inserted by the Bengal Municipal (Amendment) Act 1894 (Ben. Act 4 of 1894) s. 72 *post* p. 297

religious tenets of the deceased.

shall be disposed of, so far as may be possible in a manner consistent with the religious tenets of the deceased

Commissioners may provide places to be used as burial or burning grounds

259 The Commissioners at a meeting may, from time to time, out of the municipal fund, with the sanction of the Local Government,[1] provide fitting places to be used as burial or burning grounds and may impose a fee not exceeding two rupees in respect of every corpse buried or burnt within such burial or burning grounds

Commissioners may provide for burial of paupers free of charge

260 The Commissioners at a meeting may, from time to time, out of the municipal fund, provide for the burial and burning of paupers free of charge within the limits of the municipality

Power to license fuel shops at burning grounds

[2]260A (1) The Commissioners may, from time to time, grant licenses to persons applying for the same for the sale at burning grounds of fuel and other articles used for the cremation of dead bodies and in case any such license shall be granted shall at a meeting, prescribe a scale of rates for the sale of such articles, and any person not so licensed, who shall, within three hundred yards of any such burning ground, sell or offer for sale any such fuel or other articles shall be liable to a fine not exceeding fifty rupees

(2) The Commissioners may on good and sufficient cause, revoke or withdraw any such license they may think fit, and any person to whom any such license is granted who shall charge for the sale of any such article any higher rate than the rate fixed for such article in such scale, shall at the discretion of the Commissioners be liable to have his license cancelled, and shall be liable also to a fine not exceeding ten rupees

Of certain Offensive and Dangerous Trades or Occupations

Certain offensive and dangerous trades not to be established within limits to be fixed by the Commissioners without license

261 Within such local limits as may be fixed by the Commissioners at a meeting, no place shall be used without a license from the Commissioners, which shall be renewable annually for any of the following purposes, namely —

- melting tallow ,
- boiling offal or blood
- skinning or disembowelling animals ,
- as a soap house, oil boiling house, dyeing house ,
- as a tannery, slaughter house, or kiln for making bricks, pottery, tiles or lime ,
- as a manufactory or place of business from which offensive or unwholesome smells may arise

[1] Now the Local [illegible] —*see* the Bengal and Assam [illegible] I pp. 623 624 As to the [illegible] nt a power *see* s. 29A *ante*,

[2] S 260A was inserted by the Bengal Municipal (Amendment) Act 1894 (Ben Act 4 of 1894) s. 73 *post* p 297

as a yard or depôt for trade in hay, straw, wood, thatching grass, jute or other dangerously inflammable material,
as a store house for kerosine, petroleum, naphtha or any inflammable oil or spirit,
as a shop for the sale of meat,
[1] [as a place for the storage of rags or bones, or both,] or as a lodging house or a serai

Such license shall not be withheld unless the Commissioners have reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the immediate neighbourhood

[2] [The Commissioners at a meeting may, in accordance with a scale of fees to be approved by the Commissioner of the Division, [3] levy a fee in respect of any such license and the renewal thereof, and may impose such conditions upon the grant of any such license as they may think necessary]

Commissioners may in certain cases, order the use of slaughter houses and the carrying on of dangerous and offensive trades to be discontinued

262 If it be shown to the satisfaction of the Commissioners at a meeting that any place licensed under section 261 is a nuisance to the neighbourhood they may, notwithstanding anything contained in the said section give notice to the occupier to discontinue the use of such place within one month after the date of such notice

[4] [Provided that in this case the Commissioners shall refund so much of the fee levied under the last preceding section as may be proportionate to the unexpired portion of the year for which the license was granted]

Commissioners may prohibit private kilns

[5] 262A Within such local limits as may be fixed by the Commissioners at a meeting no place shall be used as a kiln for making bricks, pottery, tiles or lime for private purposes

Milkman, etc not to keep animals or cattle without license

263 Within such limits as the Commissioners at a meeting may determine, no milkman cartman, livery stable keeper or keeper of hackney carriages shall keep horses ponies or cattle * * * [6] for the purposes of trade or business, except in a place licensed by the Commissioners

The Commissioners may license places for such purpose, and may levy a fee not exceeding one rupee on the issue and renewal of any such license Such license shall be renewed in the first and seventh months of each year

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[1] These words in square brackets were inserted by the Bengal Municipal (Amendment) Act 1894 (Ben Act 4 of 1894) s 74 (1) *post* p 298

[2] This paragraph was substituted for the original paragraph by s 74 (2) of the same Act *post* p 298

[3] [illegible]

[4] This proviso was added by the Bengal Municipal (Amendment) Act 1894 (Ben Act 4 of 1894) s 75 *post* p 298

[5] S 262A was inserted by the same Act s. 76 *post* p. 298.

[6] The words exceeding ten in number in s. 263 were repealed by s. 77 of the Bengal Municipal (Amendment) Act 1894 (Ben. Act 4 of 1894) and are omitted.

It shall be in the discretion of the Commissioners at a meeting to grant any such license subject to such conditions as they may think fit

Commissioners may provide public stables.

264 The Commissioners may provide public stables for the accommodation of horses and cattle, and may direct that, within such limits as they shall at a meeting determine, no person shall keep horses or cattle exceeding ten in number, for the purpose of trade or business, except in such public stables, or in places licensed under the preceding section

The Commissioners may charge such reasonable fees as they shall think fit for the use of such public stables

Conditions for keeping pig sty

265 Within such limits as the Commissioners may direct, no person shall keep any pigsty adjoining or near a road unless it is shut out therefrom by a sufficient wall or fence, and in no place within such limits shall more than ten pigs or more than twenty sheep or goats be kept without the written permission of the Commissioners

The Commissioners may charge an annual fee not exceeding two rupees for such permission, and may impose such conditions in respect of such permission as they may think necessary

Penalties

Failing to shut out privy from view

266 Any person constructing a privy within a municipality, and failing to have it shut out from view, as in section 225 required shall be liable to a fine not exceeding twenty rupees

Erecting huts without notice.

267 Whoever erects a hut, or any range or block of huts or sheds, or adds to any hut or shed, or to any range or block already existing, contrary to the provisions of section 243, and whoever fails to remove such hut block of huts or shed when required by the Commissioners to do so, shall be liable to a fine not exceeding twenty rupees for every such offence, and to a further fine, not exceeding five rupees, for each day during which the offence is continued after he has been convicted of such offence

Disobeying requisition under section 249

268 If any owner, occupier or farmer of any place for the sale of meat poultry, fish or vegetables, or of any slaughter house within the limits of a municipality, after notice in writing given to him by the Commissioners that such place or slaughter house is defective in any of the particulars specified in section 249, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a fine not exceeding twenty rupees for every day during which such default is continued after the expiration of the period mentioned in such notice

Cutting up road for passage of water, etc.

269 If any person, in order to provide for the passage of water, or for any other purpose, shall, without the consent of the Commissioners, dig or cut up any public road or thoroughfare, he shall be liable to a fine not exceeding twenty-five rupees, and shall in addition be bound to pay the expenses incurred

in filling up any excavation made by him or on his behalf in any such public road or thoroughfare

270 Whoever, within a municipality,— *Throwing rubbish into sewers*

(1) without the permission of the Commissioners, throws or puts, or permits his servants to throw or put, any sewage or offensive matter on to any road, or who throws or puts, or permits his servants to throw or put, any earth, rubbish, sewage or offensive matter into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith, or

(2) causes or allows the water of any sink, sewer or cess pool, or any other offensive matter belonging to him or being on his land, to run, drain or be thrown or put upon any road, or causes or allows any offensive matter to run, drain or be thrown into a surface drain near any road, or *Allowing water of any sewer, etc, to run on any road*

(3) constructs a latrine, urinal, cess pool, house drain or privy in contravention of the provisions of sections 230 and 231, or *Constructing latrine, etc, in contravention of sections 230 and 231*

(4) without the written permission of the Commissioners, digs or makes, or causes or suffers to be dug or made, any excavation, cess pool, tank or pit, in contravention of the provisions of section 232, [1] [or *Making excavations*

(5) makes or repairs a roof or wall with grass, leaves, mats or other inflammable material in contravention of the provisions of section 236,] *Making a roof or wall of grass etc*

shall be liable, for every such offence, to a fine not exceeding twenty five rupees

271 Whoever, within a municipality, fails to comply with a requisition issued by the Commissioners under the provisions of section 224, 225, 227, 230, 231 or 238,[2] shall be liable, for every such offence, to a fine not exceeding twenty five rupees and to a further fine, not exceeding five rupees, for every day during which he shall continue to make such default after service on him of such requisition *Disobeying requisition under section 224, 225, 227, 230, 231 or 238*

272 Whoever, within a municipality,— *Altering etc, drains leading to public sewers*

(1) without the written consent of the Commissioners previously obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners by this Act, or

Making drains contrary to the orders of the Commissioners

(2) constructs any branch drain, privy or cess pool contrary to the directions and regulations of the Commissioners or contrary to the provisions of this Act, or, without the consent of the Commissioners, constructs, rebuilds or unstops any drain, privy or cess-pool which has been ordered by them to be demolished or stopped up or not to be made,

shall be liable, for every such offence, to a fine not exceeding fift rupees.

Offence under section 235, 238, 241 or 242

273. Whoever, in a municipality,—

(1) begins to build or to take down, or alter or repair, any house contrary to the provisions of section 235, [1] [238] or 241, or lets a house for occupation contrary to the provisions of section 242, or, without written permission erects or sets up any hoard, scaffolding or fence whatsoever, or who being permitted, fails to put up such fence or hoard, or to continue the same standing, or to maintain the same in good condition or who does not, while such hoard or fence is standing keep the same sufficiently lighted during the night, or who does not remove the same within eight days, when directed by the Commissioners, or

Offence under section 261, 262A or 263

(2) without a license uses any place for any of the purposes specified in section 261 or section 263, or [2] [uses any place as a kiln in contravention of the provisions of section 262A, or]

Offence under section 261 or 263

(3) being a holder of a license under section 261 or section 263 breaks any condition of such license, or

Offence under section 264

(4) after the issue of an order under section 264, keeps horses or cattle exceeding ten in number in contravention of such order, or

Offence under section 265

(5) keeps any pig sty, pigs, sheep, or goats contrary to the provisions of section 265,

shall be liable, for every such offence, to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

Burying or burning corpse in unregistered grounds

274. Whoever, within a municipality, after the expiration of the period mentioned in section 257, knowingly buries or burns or causes, procures or suffers to be buried or burned, any corpse in or on any ground not registered as a burial or burning ground, shall be liable to a fine not exceeding one hundred rupees.

Offence under section 252.

275. Whoever, within a municipality, uses any such place as is mentioned in section 252, without the same being registered, shall be liable to a fine not exceeding one hundred rupees, and to a further fine not exceedng twenty

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[1] The figures "238", in clause (1) of s. 273 were inserted by the Bengal Municipal (Amendment) Act 1894 (Ben. Act 4 of 1894) s. 80 *post* p. 298.

[2] The words and figures in square brackets in clause (2) of s. 273 were added by the same Act, s. 80 *post* p. 298.

rupees for each day during which the offence is continued after he has been convicted of such offence [...]

276 Whoever, within a municipality, not being the holder of such certificate as is mentioned in the second clause of section 252, shall compound, mix, prepare or sell any drugs in any registered shop or place, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees for each offence, and any owner, occupier or keeper of any such shop or place, who shall employ any such uncertified person to perform any one or more of such duties, shall, on conviction before a Magistrate, be liable to a fine not exceeding two hundred rupees, and shall be further liable, at the discretion of such Magistrate, to forfeit his license

Uncertificated persons dispensing drugs

Provided that this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the Calcutta Gazette[1] by the Local Government [2]

277 Whoever, within a municipality, after the expiration of the time specified in a notice issued by the Commissioners under the provisions of section 262, uses or permits to be used, the place specified in such notice in such a manner as to be a nuisance to the neighbourhood, shall be liable to a fine not exceeding two hundred rupees, and to a further fine not exceeding forty rupees for each day during which the offence is continued after he has been convicted of such offence

Disobeying notice under section 262.

278 Any Magistrate before whom any person is convicted of an offence contrary to the provisions of this Act, relating to the use of any place for a purpose for which a license is required, or of the non observance of any of the by laws relating thereto made under this Act, in addition to the fine which may be imposed on such person under this Act, may suspend, for any period not exceeding two months, any such license

Suspension or revocation of license, etc.

And the Commissioners, upon the conviction of any person for a second or other subsequent like offence, may cancel his license

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PART VII

Of a Water supply

[3] 279 (1) In any municipality to which the provisions of this Part shall be extended in the manner prescribed by section 222, it shall be lawful for

Imposition of water rate.

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[1] Now the E B and A Gazette—see the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch. D Pt. I, cl VII in Vol I pp. 623 625

Bengal and Assam
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Municipal (Amend

the Commissioners at a meeting to impose a water rate[1] not exceeding seven and a half *per centum* on the annual value of holdings when the houses and lands are situated in any road supplied with water, and not exceeding six *per centum* when the house and lands are situated in any road not so supplied

[2] [(1*a*) With the sanction of the Local Government [3] the amount of the water rate imposed under this section may vary with the distance of houses or lands from the nearest stand pipe or other source of water supply and the amount may be higher in the case of premises to which communication pipes are attached than in the case of other premises]

(2) In fixing the amount[4] [or amounts] of the rate regard shall be had to the principle that the total net proceeds of the tax together with the estimated income from payments for water supplied from the works under special contract or otherwise shall not exceed the amount required for carrying out the purposes of this Part

(3) The water rate shall be paid by the occupiers of the holdings by quarterly instalments in advance

Provided that such water rate shall not be levied upon—

(*a*) any house or land no part of which is within a radius to be fixed by the Local Government[3] for each municipality from the nearest stand pipe or other supply of water available to the public or

(*b*) any land used exclusively for purposes of agriculture [5] [or

(*c*) any holding consisting only of tanks]

Provided also that nothing in this sections shall prevent the Commissioners from making any special arrangement consistent with this Act with persons residing beyond the radius fixed by the Local Government [3]

Valuation assessment and collection of water rate

280 The annual value of holdings shall be the value determined by the Commissioners for the imposition of the rate on holdings under the provisions of Part IV of this Act or, if no such rate on holdings be imposed the annual value shall be ascertained and determined in the manner provided in that Part

And the provisions of sections 96 to 109 (both inclusive) and 112 to 130 (both inclusive) shall *mutatis mutandis* and so far as they are not inconsistent with the provisions of this Part be applicable to the assessment and collection of the water rate

Occupier paying water rate may

281 Whenever the person by whom the water rate shall have been paid or from whom the said rate shall have been recovered is not the owner of the

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[1] As to the imposition of a water rate *see* also s 6[illegible] *ante* p 7[illegible]

[2] Sub s (1*a*) was inserted in s 279 by the Bengal Municipal (Amendment) Act 1896 (Ben Act 2 of 1896) s 13 (1) *post* p 35[illegible]

[3] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl I in Vol I pp [illegible]

[4] The words or amounts in s 279 (2) were inserted by the Bengal Municipal (Amendment) Act 1896 (Ben Act 2 of 1896) s 13 (2) *post* p 35[illegible]

[5] The matter in square brackets was inserted by the Bengal Municipal (Amendment) Act 1896 (Ben Act 2 of 1896) s 14 *post* p 356

house or land in respect of which the water rate shall have been assessed such person may recover from the owner one fourth of the water so paid or recovered, and may deduct the same from the rent payable by him to such owner

deduct one fourth from rent due to owner

When house is unoccupied, owner to pay one fourth of water rate

282 Whenever any house or land has been unoccupied during an entire quarter, the owner of the said house or land shall pay to the Commissioners one fourth of the sum which would have been payable as water rate by the occupier if such house or land had been occupied

The sum payable by the owner under this section shall be deemed to be due on the first day of the quarter following that in respect of which the said sum is payable

Refund of water rate when house ceases to be occupied

283 Whenever any quarterly instalment of the water rate shall have been paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such water rate shall be entitled to be repaid by the Commissioners three fourths of such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to the entire quarter

Provided that notice shall have been given in writing to the Commissioners of such house or land being unoccupied and that the application for refund be made within six months next after the date on which the house or land ceased to be occupied

The date on which the said notice is delivered at the office of the Commissioners shall, for the purposes of this section, be deemed to be the date on which the house or land ceased to be occupied

Rate payable on house being re occupied

284 Whenever any house or land which shall have been unoccupied shall begin to be occupied during any quarter, there shall be forthwith payable by the occupier in respect of such house or land a sum calculated at one fourth of the rate that would have been payable if the house or land had been occupied during the entire quarter for the period during which the house or land was not occupied, and the full rate for the residue of the quarter

And such occupier shall be entitled to deduct from the rent or otherwise recover from the owner, one fourth of the water rate that would have been payable if the house or land had been occupied during the entire quarter

Person sub letting to several different tenants to be deemed occupier

285 Whenever any person holding any house or land from the owner thereof has sub let the same in severalty to two or more persons, the person holding from the owner shall, for the purposes of this Part be deemed to be the occupier of such house or land

Owner to pay water rate in certain other cases

286 The provisions of sections 312, 313 and 314 shall be applicable to this Part

Provided that the owner shall not be entitled to recover from any occupying tenant more than three fourths of the water rate that would but for this proviso be recoverable by him under the said sections

The Commissioners to provide water supply

287. In any municipality to which the provisions of this Part shall be extended, the Commissioners shall provide a supply of water within the limits of the municipality, and for this purpose it shall be lawful for them to cause such mains and pipes to be laid, and such tanks, reservoirs or other works to be made and constructed, as shall be necessary for the supply of water in the chief public streets, and they may also erect in all such streets sufficient and convenient stand pipes or pumps for the use of the inhabitants of the municipality for domestic purposes

What are domestic purposes

288 A supply of water for domestic purposes shall not include a supply of water for animals or for washing carriages, where such animals or carriages are kept for sale or hire, or a supply for any trade, manufacture or business, or for watering gardens or roads, or for any ornamental or mechanical purpose.

Pressure at which water must be kept.

289 The Commissioners at a meeting shall determine what pressure of water shall be maintained in their service pipes and mains, and during what hours such pressure shall be continued, and any rule made under this section shall be published in such manner as the Commissioners may direct, and shall not be altered except with the sanction of the Commissioners at a meeting

Communication pipes.

[1] 290. Whenever the Commissioners deem it practicable and consistent with the maintenance of an efficient water supply, they may, at a meeting and subject to such rules and conditions as the Local Government [2] may make and impose, allow the owners and occupiers paying the water rate hereinbefore mentioned to lay down communication-pipes from the service pipes of the Commissioners, for the purpose of leading water to their premises for domestic purposes

Communication pipes etc., must be made to satisfaction of officers of the Commissioners.

291 The communication pipes and all fittings thereon leading water from the service pipes of the Commissioners into any house or land, and the pipes, works and fittings inside the house or land, must in all cases be executed subject to the inspection and satisfaction of the Commissioners

Such communication-pipes, works and fittings may be made by the servants and workmen of the Commissioners upon such terms as may be agreed upon between the Commissioners and the person requiring the supply, or subject to such charges as may be fixed by the Commissioners, and the Commissioners may require the amount necessary for the execution of such works to be paid or deposited before such works are executed

And such charges and expenses shall be recoverable in the same manner as the water rate.

Power to enter premises.

292 Any officer authorized in that behalf by the Commissioners may, between the hours of seven in the forenoon and five in the afternoon, enter

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[illegible] the Bengal Municipal (Amendment [illegible]

[illegible] Assam—see the Bengal and Assam Laws [illegible] Vol I, pp 623 624

into or on any house or land supplied with water as aforesaid in order to examine all pipes, works and fittings connected with the supply of water, and to ascertain whether there be any waste or misuse of such water

And, if such officer at any such time be refused admittance into such house or land for the purposes aforesaid, or be prevented from making such examination, the Commissioners may forthwith cut off the supply of water from such house or land

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the zanana or residence of women which, by the custom of the country, is considered private, unless a notice in writing of not less than four hours be given

When pipes are out of repair, Commissioners may turn off water

293 In the event of any pipes, works or fittings connected with the supply of water to any house or land being at any time found, on examination by any officer of the Commissioners authorized in that behalf to be out of repair to such an extent as to cause waste of water, the Commissioners may cause the water to be turned off from such house or land, after giving notice in writing of not less than twenty four hours, and may recover from the occupier of such house or land the expense incurred for turning off the water.

Supply for business.

294 The Commissioners may supply water * * * [1] for purposes other than domestic purposes, and may, subject to such charges and rates as may have been fixed by the Commissioners at a meeting lay down, or allow to be laid down the necessary pipes and works of such dimensions and character as may be approved by them

Householder entitled to certain supply of water for domestic use

295 The Commissioners at a meeting may determine what quantity of water shall be supplied to the occupier of every house free of further charge for every rupee paid to the Commissioners as water rate on account of such house

If the Commissioners have reason to believe that the occupier of any house consumes more water than he is entitled to as aforesaid it shall be lawful for them to provide a water meter at their own expense, and to attach the same to the water pipes of the said house , and any water which may be used over and above the quantity to which the occupier is entitled as aforesaid shall be paid for by him at such rate as the Commissioners at a meeting may determine

Commissioners may provide filtered or unfiltered water for latrines

296 It shall be at the option of the Commissioners to provide filtered or unfiltered water for all latrines and water closets and it shall be lawful for them to require that all latrines and water closets supplied with water filtered or unfiltered, shall be provided with a cistern of such size and description as

[1] The words through a meter in s 294 were repealed by the Bengal Municipal (Amendment) Act 1894 (Ben. Act 4 of 1894) s. 63 and are omitted.

the Commissioners shall direct and all such cisterns shall be put up at the cost of the owner of the house or land so supplied with water

Water may be cut off on neglect to pay the rate

297 If any person supplied with water shall neglect to pay the water-rate hereinbefore mentioned at the times of payment thereof, or the charge made for the said water when supplied for other than domestic purposes, the Commissioners may turn off the water from the house or land in respect of which such rate or charge is payable and may recover the expense of turning off the water from such person

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he may have incurred

Occupier in whose house water is wasted liable to penalty

298 The occupier of any house or land in which water supplied by the Commissioners under this Part is, from negligence or other circumstances under the control of the said occupier wasted or in whose house or land the pipes works or fittings for the supply of water shall be found to be out of repair to such an extent as to cause waste of water, shall be liable to a fine not exceeding twenty rupees

Person causing waste of water liable to penalty

299 Any person otherwise causing waste of water supplied by the Commissioners shall be liable to a fine not exceeding five rupees

Commissioners at their discretion may allow person outside the town to take water

300 It shall be within the discretion of the Commissioners to allow any person not residing within the limits of the municipality to take or be supplied with water for domestic use, on such terms as the Commissioners in meeting may from time to time prescribe

Penalty

And any person taking or causing to be taken for use, outside the limits of the municipality, water supplied by the Commissioners, without the permission of the Commissioners, shall be liable to a fine not exceeding fifty rupees

Before connection an officer of the Commissioners to cause all works and pipes to be inspected

301 Before a connection for the supply of water from the service pipes of the Commissioners to any house or land is sanctioned the Commissioners may cause all the works pipes and fittings within the said house or land to be inspected by an officer appointed by them in that behalf

And the cost of such inspection shall be payable in advance by the person applying for such connection at such rates as the Commissioners in meeting shall from time to time direct

And, until such officer shall have certified to the Commissioners that the works, pipes and fittings have been executed and put up in a satisfactory manner, a connection with the Commissioners' service pipes shall not be permitted

Connection with service pipes to be executed only by an officer

302 The connection with the service pipes of the Commissioners, as also the laying of supply pipes under any public road or thoroughfare, shall be executed by an officer of the Commissioners authorized in that behalf and by no other person.

And the expense of making such connection shall be payable in advance by the person applying for the same, at such rates as the Commissioners in meeting shall from time to time direct — of the Commissioners.

Obstructing or diverting water — 303 Any person who shall unlawfully flush, draw off, divert or take water from any water works belonging to, or under the control of, the Commissioners, or from any water or streams by which such water-works are supplied, shall be liable to a fine not exceeding one hundred rupees

Estimate and specification of works to be sent. — 304 No works for introducing a supply of water to any house shall be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such specification and estimate to the owner

Owner to keep works in repair — 305. Except in the case of a special agreement to the contrary, the owner of any house or land shall bear the expense of keeping all works connected with the supply of water to such house or land in substantial repair

Provided that nothing in this section shall affect the liabilities of parties under leases executed previous to the extension of this Part to the municipality in which the said house or land is situated

Tanks etc. vested in the Commissioners — 306. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits tunnels, pipes, pumps and other water works whether made, laid or erected at the cost of the Commissioners or otherwise, and all bridges, buildings, engines works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank shall become vested in the Commissioners

Application of rates and moneys received from the supply of water — 307 The water rate and all moneys collected, received or recovered for or in respect of the supply of water or the execution of works, and all fines connected therewith, or in any respect relating to the water supply, shall be applied by the Commissioners in defraying the expense of making, extending or maintaining the water works, [1] [in the payment of such a proportionate share of the cost of collection and of general supervision as the Commissioners in meeting may from time to time direct] in paying the interest of money borrowed for the water works and in the liquidation of debts incurred in connection therewith or for some other purpose connected with the supply of water

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PART VIII

Of Lighting with Gas

Municipal Commissioners may — 308 In any municipality in which this Part shall have been introduced in the manner provided in section 222 it shall be lawful for the Commissioners,

[1] The words in square brackets in s. 307 were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894) s 84, *post* p. 298

submit to the Local Government a plan for lighting

from time to time, to submit to the Local Government,[1] for its sanction, a plan for lighting with gas any portion of any area situate within the municipal limits, whether so lighted already or not, such portion of the said area having been previously defined by the Commissioners at a meeting held for that purpose

The Local Government[1] shall cause the plan to be published for one month in the Calcutta Gazette,[2] and the Commissioners shall publish it in the vernacular within the limits of the municipality, and after such publication, and after consideration of any objections which may be raised to it or alterations suggested in it, the Local Government [1] may, if satisfied that the lighting proposed in the plan is proper and sufficient, sanction such plan, or may refuse its sanction thereto, or may return it to the Commissioners for alteration in certain particulars to be specified by it, and when altered may sanction it as altered

The Local Government[1] shall cause its sanction to any plan to be notified in the Calcutta Gazette,[2] and shall at the same time cause the plan sanctioned to be published in the said Gazette

Lighting rate not exceeding three *per centum* may after sanction of plan be imposed on holdings.

309 After notification by the Local Government[1] in the last preceding section mentioned, it shall be lawful for the Commissioners to impose an annual rate [3] not exceeding three *per centum* of their annual value upon all holdings situated within such portion of the said area for the purpose of defraying the whole expense of lighting

Proviso as to portions already lighted

Provided that, as regards any portion of the said area already lighted with gas, for the future lighting of which a plan shall have been sanctioned by the Local Government [1] under the provision of the last preceding section, if it shall appear that the estimated proceeds of the said rate at three *per centum* will not be sufficient to defray the whole expense of such lighting, it shall be lawful for the Commissioners to impose a rate sufficient to defray the whole expense of lighting such portion

Rate payable by occupiers quarterly in advance

310 The rate imposed under the last preceding section upon holdings shall be paid by the occupiers thereof by quarterly instalments in advance, but no rate shall be leviable until the lamps in the portion of the area to be lighted shall have been lighted, nor shall any rate be leviable for any quarter or portion of a quarter antecedent to such lighting

Valuation, assessment and collection of lighting rate

311 The annual value of holdings shall be the value determined by the Commissioners for the imposition of the rate on holdings under the provisions of Part IV of this Act, or, if no such rate on holdings be imposed, the annual

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[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of

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value shall be ascertained and determined in the manner provided in that Part. And the provisions of sections 96 to 109 (both inclusive) and 112 to 130 (both inclusive) shall, *mutatis mutandis*, and so far as they are not inconsistent with the provisions of this Part, be applicable to the assessment and collection of the lighting rate.

312. If any holding shall be occupied by more than one tenant holding severally, or shall be of less annual value than one hundred rupees, it shall be lawful for the Commissioners to recover the rate from the owner of such holding. Power to assess owners in certain cases.

313. Whenever any rate shall be recovered from any owner of any holding under the provisions of the last preceding section, it shall be lawful for such owner, if there shall be but one occupying tenant of such entire holding, to recover from such tenant the entire amount of the rate which shall have been so paid by such owner; and, if there shall be one occupying tenant of a part of such holding or more than one occupying tenant of such holding, then to recover from such tenant, or each of such tenants, such sum as shall bear to the entire amount of rate which may have been so recovered from such owner the same proportion as the value of the portion of such holding in the occupation of such tenant bears to the entire value of such holding, subject, however, to the provisions of the next succeeding section. Owner to recover from the occupier rates paid by owner.

314. Every owner who, under the provisions of the last preceding section, may be entitled to recover any sum from any occupying tenant of any holding or of any portion thereof shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to such owner by such tenant in respect of so much of such holding as may be in the occupation of such tenant. Owner may recover rate so paid as rent.

315. Every occupier shall be liable to the lighting rate for the time of his occupation. When any person shall have been an occupier for a part only of any quarter he shall be liable only for so much of the rate for that quarter as may be proportionate to the number of days during which he shall have been an occupier. Occupier liable to the rate for time of occupation only.

If he shall have paid the rate in advance, the amount paid in excess of the sum due under this section shall be refunded. Excess paid in advance to be refunded.

No such rate shall be chargeable to any person on account of any unoccupied holding for the time during which it may remain unoccupied. No rate to be charged during vacancy.

Provided always that, when any person ceases to be the occupier of any holding upon which the rate has been assessed he shall give the Commissioners notice to that effect within seven days from the date of the cessation of his occupancy. If the occupier fail to give such notice within such period, he shall be liable to the rate assessed on such holding for the whole quarter although he may have occupied for a part only of such quarter; and, in cases to which the provisions of section 312 apply, the rate assessed on such holding for the whole quarter shall be recoverable from the owner, if such owner has Notice of cessation of occupancy to be given within seven days.

failed to give notice that such holding is unoccupied, within seven days from the date on which it ceased to be occupied

Unknown owner or occupier how to be designated

316 When the name of the owner or occupier of any holding is not known, it shall be sufficient to designate him, in any notice served or proceeding held under this Part, as the owner or the occupier of the holding on which the rate is assessed, and without further description

Situation of gas pipe or other gas work to be altered at the expense of the Commissioners.

317 If the Commissioners deem it necessary for the purposes of this Part to raise, sink or otherwise alter the situation of any gas pipe or other gas work laid in any portion of the said area, they may, from time to time, by notice in writing, require the person to whom any such pipe or work belongs, or under whose control it may be, to cause forthwith, or as soon as conveniently may be any such pipe or work to be raised, sunk or otherwise altered in position, in such manner as the Commissioners may direct

Provided that such alteration be not such as permanently to injure such pipe or work, or to prevent the gas from flowing as freely and conveniently as before, and the expenses attending such raising, sinking or altering, and full compensation for the damage done thereby, shall be paid by the Commissioners out of the municipal fund as well to the person to whom such pipe or work belongs as to all other persons

If owner etc neglect to make alterations the Commissioners may cause the same to be made

318 If the person to whom any such pipe or work belongs, or under whose control it may be, do not proceed forthwith, or as soon as conveniently may be, after the receipt of such notice, to cause the same to be raised sunk or altered in such manner as the Commissioners require, the Commissioners may themselves cause such pipe or work to be raised, sunk or altered as they may think fit

Provided that such works be not permanently injured thereby, or the gas prevented from flowing as freely and conveniently as before

Application of rates and moneys received for lighting

[1] 318A The lighting rate and all the moneys collected, received or recovered for, or in respect of, lighting, or the execution of works, and all fines connected therewith, *or in any respect relating to lighting*, shall be applied by the Commissioners in defraying the expenses of making, extending or maintaining the lighting system, in the payment of such a proportionate share of the cost of collection and of general supervision as the Commissioners in meeting may from time to time direct, in paying the interest of money borrowed for lighting, and in the liquidation of debts incurred in connection therewith, or for some other purposes connected with lighting

Provisions applicable to other systems of lighting

319 The provisions of this Part shall apply, so far as may be possible, to any scheme which may be adopted by the Commissioners of any municipality for lighting the municipality under any system involving the laying of pipes or wires or other similar apparatus

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[1] S 318A was inserted by the Bengal Municipal (Amendment) Act 1894 (Ben Act 4 of 1894) s 85 *post* p. 2?8

PART IX

OF THE CONSTRUCTION AND CLEANSING OF LATRINES

Notice to be issued by the Commissioners

320 In any municipality to which the provisions of this Part shall have been extended in the manner prescribed by section 222, the Commissioners may issue a notice declaring that, from a date to be specified in such notice, they will maintain an establishment for the cleansing of * * * [1] private [2] [privies and cess pools] within the limits of the municipality or any part thereof, and the Commissioners shall make suitable provision accordingly.

Commissioners may levy fees

321 When such provision has been made the Commissioners may levy fees, [3] to be fixed on such scale, with reference to the annual value of holdings [4] [containing dwelling houses] [5] [or privies] within the limits of the municipality, or such part thereof as aforesaid, as the Commissioners at a meeting may from time to time direct,

but the fee shall not exceed three rupees *per annum* where the valuation of the holding amounts to or is less than, twenty five rupees,

and the fee on any one holding shall not exceed four hundred and eighty rupees

Provided that if, on the commencement of this Act, the owners or occupiers of any holding are already under engagement to pay to the Commissioners an annual sum exceeding four hundred and eighty rupees for the cleansing of their premises, such sum, or such other sum as may from time to time be agreed upon between them and the Commissioners, may be levied from them in accordance with the provisions of this Part

Recovery of fees

[6] 322 (1) The said fee shall be payable in quarterly instalments by the occupier for the time being of the holding or by the owner thereof if there is no occupier, or under the provisions of the next succeeding section, and shall be recoverable in the manner prescribed for the recovery of the rate on the value of holdings in this Act, and the provisions of section 110 shall be applicable

(2) Every instalment of the said fee shall be deemed to be due on the first day of the quarter in respect of which such instalment is payable

[1] The words public and in s 320 were repealed by s 86 of the Bengal Municipal (Amendment) Act 1894 (Ben. Act 4 of 1894) and are omitted

[2] The words privies and cess pools in s 320 were substituted for the word latrines by s 86 of the same Act post p. 298

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[illegible] rted by the Bengal Muni[illegible]

[illegible] al Municipal (Amendment) Act, 1896 (Ben Act 2 of 1896) s 15, post p 306

[6] This section was substituted for the original s. 322 by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894) s 88 post p. 299

[1] [(3) The net proceeds of the said fees, after deducting a proportionate share, to be fixed by the Commissioners in meeting, of the cost of the staff employed in collecting and in supervising the collection of the fees and in keeping and auditing the accounts thereof, shall be applied to the maintenance of the establishment referred to in section 320, and generally to carrying out the provisions of the Part]

(4) A list of the said fees and of the persons liable to pay the same, shall be published once in every year as prescribed in section 354

Provided that no such fee shall be levied in respect of any shop or place of business which does not contain any privies or cess pools, when a fee under this Part is levied from the occupier thereof in respect of his dwelling house within the same municipality

In certain cases fee may be levied from owner who may recover from occupier

323 If any holding is occupied in severalty by more than one person, the Commissioners may levy the said fee from the owner of such holding who may recover from each occupier such sum as shall bear to the entire amount of the fee so levied the same proportion as the value of the part of the holding in the occupation of such person bears to the entire value of such holding

Owner may recover fees from occupier as rent

324 Every owner who, under the provisions of the last preceding section, is entitled to recover any sum from the occupier of any part of a holding, shall have for the recovery of the said sum all such and the same remedies, powers, rights and authorities as if such sum were rent payable to him by the occupier in respect of such portion of the holding as may be in his occupation

Commissioners may compound with occupier or owner of certain premises for fee

325 The Commissioners at their discretion may compound for any period not exceeding one year, with any occupier or owner as aforesaid of any railway premises or of any premises used as a factory, dockyard, workshop, cooly depot, school, hospital, market, court house or other similar place, for a certain sum to be paid by such occupier or owner in lieu of such fee

Commissioners may levy a rate per head

326 The Commissioners may, in lieu of the aforesaid fee, levy a rate per head, to be fixed by the said Commissioners at a meeting on the number of persons living within or habitually resorting to any such railway premises, factory dockyard workshop cooly depot school, hospital, market, court-house or other similar place

327 328 [*Commissioners may reduce or remit fee—Penalty*] *Rep by the Bengal Municipal (Amendment) Act*, 1894 (*Ben Act* 4 *of* 1894), *s* 89

Exemption from prosecution under section 217

329 No person liable to pay a fee or rate under the provisions of this Part shall be punished with fine for neglecting or refusing to keep his privy in a proper state under section 217, clause (3)

Powers of servants of Commissioners

330 All servants of the Commissioners employed for the purposes of this Part may, within such hours as may be fixed by the Commissioners, enter

[1] This sub section was substituted for the original sub section (3) by the Bengal Municipal Amendment) Act 1896 (Ben. Act 2 of 1896 s. 10 *post* p 366

on any premises of which the occupier or owner is liable to pay a fee or rate as aforesaid, and do all things necessary for the performance of their duties under this part.

331. The Commissioners at a meeting may make an order requiring all persons employed in the removal of sewage within the limits of the municipality, or any part thereof, to take out licenses, and to be servants of the Commissioners for the purpose of removing sewage from premises within the said limits. *Commissioners may require nightmen to take out licenses.*

The Commissioners at a meeting may grant such licenses subject to such conditions as they may think fit, and may impose fees in respect of the same.

Subject to the approval of the Local Government,[1] the Commissioners may make rules to define the duties of such persons, and from time to time may alter, add to or repeal such rules; and any breach of such rules shall subject the offender to a forfeiture of license and to a fine not exceeding twenty rupees.

332. If the Commissioners think that any latrine or additional or common latrine should be provided for any house or land within the limits of the municipality, the owners of such house or land shall, within fourteen days after notice given by the Commissioners, or within such longer time as the Commissioners may for special reasons allow, cause such latrine to be constructed in accordance with the requisition of such notice; and if such latrine is not constructed to the satisfaction of the Commissioners within such period, the Commissioners may cause the same to be constructed, and the expenses thereby incurred shall be paid by the owners, and shall be recoverable as provided in section 322. *Commissioners may require latrine to be constructed and in default may construct themselves.*

333. The Commissioners may, for the purposes of this Part, by a notice in writing, require the owner or occupier of any holding to furnish, within a time to be specified in the notice, a list of the number of persons residing in, or habitually resorting to, such holding. *Commissioners may require list of persons in a holding.*

334. Whoever, being the owner or occupier of any holding, fails to furnish such list within the time specified in such notice, after being required to furnish the same by the Commissioners, shall be liable to a fine not exceeding one hundred rupees. *Penalty.*

[2] 334A. The provisions of this Part shall not apply to any jail, reformatory or lunatic asylum in which an establishment is maintained for the cleansing of privies and cess-pools therein. *Exemption of jail, etc.*

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[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3 and Sch. D, Pt. I, cl. I, in Vol. I, pp. 621, 624. As to the delegation to Commissioners of Divisions of the Local Government's powers, *see* s. 29A, *ante*, p. 51.

[2] S. 334A was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894), s. 90, *post*, p. 299.

PART X.

REGULATION OF MARKETS.

Power to construct markets.

335 In any municipality to which this Part shall have been extended in the manner prescribed by section 222, the Commissioners at a meeting may provide land for the purpose of being used as a municipal market, and may defray the cost of providing such land and of all expenses necessary for the establishment of such market from the municipal fund, and may take a lease of any market,

and may charge rent, tolls and fees for the right to expose goods for sale in such market and for the use of shops, stalls and standings therein

All such rents tolls and fees may be recovered as arrears of tax under the provisions of sections 120 to 129 (both inclusive)

Definition of "municipal market" and "market

336 No place shall be deemed to be a "municipal market" within the meaning of the last preceding section, and no place shall be deemed to be a market to which the following sections of this Part apply, unless at least thirty shops, stalls or standings are erected therein for the sale of goods

Commissioners may prohibit use of unlicensed markets

337 The Commissioners at a meeting may order that, within such limits as they may fix, no land shall be used as a market for the sale of meat, fish, butter, ghee, fruits, vegetables and similar provisions, otherwise than under a license to be granted by the Commissioners

Power to grant licenses for markets

338 When the Commissioners at a meeting shall have issued an order under the last preceding section, they may at a meeting grant a license for the use of any land as a market for the sale of provisions as aforesaid within the municipality

Duration of licenses and terms on which granted.

339 Every license granted under this Part shall be liable to the payment of a fee not exceeding twenty five rupees, and shall be in force until the end of the year, and the Commissioners [1] [shall, as regards markets lawfully established at the time of the extension of this Part to the municipality, and in all other cases] may grant such license, year by year, on the certificate in writing under the hand of the Chairman, annually renewed, that the land is fit to be used as a market for the sale of provisions as aforesaid

Chairman bound to certify fit places.

340 The Chairman upon the application in writing of the owner of any land, shall grant such certificate unless the land be defective for the purposes of a market in drainage, ventilation, water supply or proper width of paths and ways

Existing markets.

The owners or lessees of all land used as markets for the sale of provisions as aforesaid at the time of the extension of this Part to the municipality shall be entitled to receive a license for the current year without the certificate

[1] The words in square brackets in s 339 were inserted by the Bengal Municipal (Amendment) Act 1894 (Ben Act 4 of 1894) s. 91, post p 299

required by section 339, but in subsequent years the license shall not be renewed without such certificate.

341. Every license under this Part shall be registered in a book to be kept for that purpose by the Commissioners in their office, in which shall be stated— Licenses to be registered.

(a) the name and address of the owner of the land and market;

(b) the name and address of the lessee thereof (if any);

(c) the extent and boundary of the market;

(d) the description of articles sold therein; and

(e) the days on which the market will be held.

342. Every transfer of interest in any such market shall be registered within two months after the date of transfer. Transfers to be registered.

343. Any market the license of which, or the transfer of interest in which, shall not have been duly registered under the two last preceding sections, shall be deemed to be land used as a market without a license. Unregistered markets to be deemed unlicensed.

344. Whoever, being the owner or occupier of any land, wilfully or negligently permits the same to be used as a market for the sale of meat, fish, butter, ghee, fruits, vegetables or similar provisions without license under section 338, shall be liable to a fine not exceeding two hundred rupees for every such offence, and to a further fine not exceeding forty rupees for each day during which the offence is continued after conviction of such offence. Penalty for using unlicensed market.

345. The Magistrate, on the application of the Commissioners, may order any land, in respect of which a conviction shall have been obtained under the last preceding section, to be closed as a market place, and thereupon may take order to prevent such land being so used; and every person who shall sell or expose for sale meat, fish, butter, ghee, fruits, vegetables or similar provisions on any land which shall have been so closed, shall be liable, for every such offence, to a fine not exceeding ten rupees. Power to close unlicensed places.

PART XI

OF THE REGISTRATION OF BIRTHS AND DEATHS

346. The Commissioners of any municipality, when required by the Local Government[1] to do so, shall provide for the registration of births and deaths within the limits of the municipality in accordance with the provisions of Bengal Act 4 of 1873 *(for registering births and deaths)*,[2] or any other similar Act for the time being in force. Registration of births and deaths.

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[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905) s. 3 and Sch. D, Pt. I, cl. I, in Vol. I, pp 623-624.

[2] The Bengal Births and Deaths Registration Act, 1873. It is printed in Vol. II, p. 128.

On requisition of Government, Commissioners to appoint sub registrars at burning ghats and burial grounds.

347. The Local Government [1] may require the Commissioners of any municipality to appoint and maintain at any burning ghât and burial ground a sub registrar for the registration of all corpses brought to such burning ghat or burial ground for cremation or interment

Information required by Bengal Act 4 of 1873 to be given to such sub registrar

348 Whenever a sub registrar shall have been appointed for any burning ghât or burial ground under the last preceding section, information of the particulars required by section 8 of Bengal Act 4 of 1873 [2] to be known and registered may be given in respect of the death of any person whose body is brought to such burning ghât or burial ground for cremation or interment to such sub registrar, and information so given shall be deemed to be information given to the registrar of the district as required by the said section

Section 9 of Bengal Act 4 of 1873 [2] shall be applicable to all sub registrars appointed under this Act

Information of deaths in hospitals

349. Whenever a death shall occur in any hospital within the limits of any municipality in respect of which the Local Government [1] has directed that all deaths shall be registered under Bengal Act 4 of 1873, [2] it shall be the duty of the medical officer in charge of such hospital forthwith to send a notice in writing of the occurrence of such death to the Commissioners in such form as the Local Government [1] may prescribe , and in such case no other person shall be required to give information of such death to a registrar under Bengal Act 4 of 1873 [2] or to a sub registrar under this Act

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[3] PART XIA

Extinction and Prevention of Fire

Establishment and maintenance of fire brigade

[3] 349A For the prevention and extinction of fire, the Commissioners at a meeting may resolve to establish and maintain a fire brigade and to provide any implements, machinery, or means of communicating intelligence which the Commissioners may think necessary for the efficient discharge of their duties by the brigade

Power of fire brigade and other

[3] 349B. (1) On the occasion of a fire in a municipality, any Magistrate, any Municipal Commissioner, the Secretary to the Commissioners, any member

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[illegible] nd Assam

[illegible] I, p 129

[illegible] Act 4 of

1894) s 92 *post* p 299

of a fire brigade maintained by the Commissioners, then and there directing the operations of men belonging to the brigade, and (if directed so to do by a Magistrate or by a Municipal Commissioner) any Police officer above the rank of constable may— Persons for suppression of fires.

(*a*) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire, or for saving life or property,

(*b*) close any street or passage in or near which any fire is burning,

(*c*) for the purpose of extinguishing the fire, break into or through, or pull down, or use for the passage of any hose or other appliance any premises,

(*d*) cause mains and pipes to be shut off so as to give greater pressure of water in the place where the fire has occurred,

(*e*) call on the persons in charge of any fire engine to render such assistance as may be possible,

(*f*) generally take such measures as may appear necessary for the preservation of life or property

(2) No person shall be liable to pay damages for any act done by him under sub section (1) of this section in good faith

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PART XII

MISCELLANEOUS

350 The Commissioners of any municipality may from time to time, at a meeting which shall have been convened expressly for the purpose, and of which due notice shall have been given, frame such by laws as they deem fit, not being inconsistent with this Act or with any other general or special law, for— Power to make by laws.

[1] (*a*) regulating traffic, and for the prevention of obstructions and encroachments, and of nuisances on or near roads,

[2] (*aa*) prohibiting the letting off of fire arms, fire works, fire balloons or bombs, except (*i*) with the permission of the Commissioners or a member of the Ward Committee or a municipal officer empowered by the Commissioners in this behalf, and (*ii*) on payment of fees at such rates as may be sanctioned by the Commissioners at a meeting,

[1](*b*) regulating the use of, and the prevention of nuisances in regard to, public water supply, bathing and washing places, streams, channels, tanks and wells ;

[1](*c*) regulating the disposal of sewage, offensive matter, carcasses of animals and rubbish, and the management of privies, drains, cess pools and sewers ;

[1](*d*) regulating cremations and burials and the disposal of corpses ;

[1](*e*) preventing nuisances affecting the public health, safety or convenience, and

[1](*f*) giving effect to the objects of this Act ;

and may by such by-laws impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of fifty rupees for each offence and in case of a continuing offence a further penalty not exceeding twenty rupees for each day after written notice of the offence from the Commissioners.

Additional power to make by-laws in hill municipalities.

[2]350A. The Commissioners of a municipality wholly or in part situated in a hilly tract may at a meeting in addition to such by-laws as they may make under the last preceding section, make, repeal or alter by-laws—

for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying where such regulation or prohibition appears to the Commissioners to be necessary for any or all of the following purposes :—

(*a*) the maintenance of a water-supply ;
(*b*) the preservation of the soil ;
(*c*) the prevention of landslips ;
(*d*) the formation of ravines or torrents ;
(*e*) the protection of land against erosion or the deposit thereon of sand, gravel or stones.

Confirmation of by-laws.

351. By-laws made under this Act shall not take effect unless and until they have been submitted to, and confirmed by, the Local Government,[3] nor shall such by-laws be confirmed—

unless one month at least before the making of the application notice of the intention to apply for confirmation has been given in one or more of the local newspapers circulated within the municipality to which such by-laws relate, or if there be no such newspapers, then in such manner as the Commissioners may direct ; and

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[1] Clauses (*b*) to (*f*) are new—see footnote [1] on p. 139 *ante*.
[2] S. 350A was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894), s. 94, *post*, p. 299.
[3] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3 and Sch. D, Pt. I, cl. I, in Vol. I, pp. 623, 624.

unless for one month at least before any such application a copy of the proposed by laws has been kept at the office of the Commissioners, and has been open during office hours thereat to the inspection of the inhabitants of the municipality to which such by laws relate, without fee or reward

The Commissioners shall, on the application of any inhabitant of the municipality, furnish him with a copy of such proposed by laws, on payment of four annas for every hundred words contained in the copy

* * *[1]

[2] [The Local Government [3] may cancel its confirmation of any such by law and thereupon the by law shall cease to have effect] Local Government may cancel its confirmation of any by law

[4]351A (1) The Commissioners at a meeting may from time to time make, repeal or alter rules as to— Power to make rules as to business and affairs.

(*a*) the time and place of their meetings, the business to be transacted at meetings, and the manner in which notice of meetings shall be given ,

(*b*) the conduct of proceedings at meetings, the due record of all dissents and discussions, and the adjournment of meetings ,

(*c*) the custody of the common seal ,

(*d*) the division of duties among the Commissioners, and the powers to be exercised by sub committees or members to whom particular duties are assigned ,

(*e*) the persons by whom receipts shall be granted for money received under this Act ,

[5] [(*f*) the duties, appointment, leave, fining, suspension and removal of municipal officers and servants ,]

(*g*) and other similar matters

(2) Rules made under this section, consistent with this Act, shall be subject to the sanction of the Local Government[3], and shall, if sanctioned, be published in such manner as the Local Government [3] may direct, and shall have the force of law

352 The Commissioners may direct any prosecution for any public nuisance, and may order proceedings to be taken for the recovery of any penalties under this Act, and for the punishment of any persons offending against Commissioners may direct prosecution for

...ment) Act
1894
...and Assam
Act 4 of
(*f*) by the Bengal Municipal

public nuisance, etc

the same, and may order the expenses of such prosecution or other proceedings to be paid out of the municipal fund

No prosecution for an offence under this Act to be instituted without consent of Commissioners.

353. No prosecution for an offence under this Act or any by law made in pursuance thereof shall be instituted without the order or consent of the Commissioners, and no such prosecution shall be instituted except within [1] [six] months next after the commission of such offence, unless the offence is continuous in its nature, in which case a prosecution may be instituted within [1] [six] months of the date on which the commission or existence of the offence was first brought to the notice of the Chairman of the Commissioners

Provided that the failure to take out any license under this Act shall be deemed to be a continuing offence until the expiration of the period for which such license is required to be taken out

Publication of by laws, etc

354 Every by law, order, notice or other document directed to be published under this Act shall be written in, or translated into, the vernacular of the district and deposited in the office of the Commissioners, and a copy shall be posted up in a conspicuous position at such office, and in such other public places as the Commissioners may direct

And a public proclamation shall be made throughout such municipality by beat of drum, notifying that such copy has been so posted up, and that the original is open to inspection in the office of the Commissioners

Levy of fines.

355 Fines under this Act may be imposed by a Magistrate on any person who is convicted of the offence to which the fine attaches, and may be levied under the provisions of the Code of Criminal Procedure, 1882 [2] 10

How notice etc, may be served

356 Every notice, bill, form, summons or notice of demand under this Act may be served personally on or presented to the person to whom the same is addressed ,

or be left at his usual place of abode with some adult male member or servant of his family ,

or, if it cannot be so served, presented or delivered, may be put on some conspicuous part of his place of abode ,

or of the land, building or other thing in respect of which the notice, bill, form, summons or notice of demand is intended to be served

Service of notice on owner or occupier of land

357 When any notice is required *to be given to the owner or to the occupier* of any land, such notice, addressed to the owner or occupier, as the case may require, may be served on the occupier of such land, or otherwise in the manner in the last preceding section mentioned

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[1] The word "six", in s 353 was substituted for the word "three" by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894), s. 97, *post* p 299

[2] Act 10 of 1882 has been repealed and re enacted by the Code of Criminal Procedure, 1898 (Act 5 of 1898) and this reference should now be taken to be made to the latter Act- *see* s 3(1) thereof in General Acts, 1891 98 Ft. 1899, p 382

Provided that, when the owner and his place of abode are known to the Commissioners or other authorities issuing the notice, they shall, if such place of abode be within the limits of their authority, cause every notice required to be given to the owner of any land to be served on such owner, or left with some adult male member or servant of his family,

and if the place of abode of the owner be not within such limits, they shall send every such notice by post in a registered cover addressed to his place of abode, and such service shall be deemed to be good service of the notice

When the name of the owner or occupier is not known, it shall be sufficient to designate him as "the owner" or "the occupier" of the land in respect of which the notice is served

358 No assessment or rating of tax on property shall be invalid for error or defect of form, and it shall be enough in any assessment, valuation or rating for the purpose of making such tax if the property so assessed or valued is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof

Tax not invalid for want of form

359 Every person to whom a license has been granted under this Act shall, at all reasonable times, while such license shall remain in force, if thereunto required by the authorities which granted the license or by any person authorized by them in that behalf, produce such license to the said authorities or to the person so authorized

Holder of license to produce it when required

Whoever fails to produce his license when required to produce the same by any person authorized under this section to demand the production thereof shall be liable to a fine not exceeding one hundred rupees

Penalty

360. All costs, expenses, fees, tolls or other moneys due under this Act to the Commissioners of any municipality may be recovered in the manner provided in sections 120 to 129 (both inclusive)

Recovery of moneys due to the Commissioners

361 If money be due under this Act in respect of any holding from the owner thereof, on account of any tax, expenses or charges recoverable under this Act, and if the owner of such holding is unknown or the ownership thereof is disputed, the Commissioners may publish twice, at an interval of three months, a notification of sale of such holding, and, after the expiry of not less than three months from the date of the last publication, unless the amount recoverable be paid, may sell such holding to the highest bidder, who shall, at the time of sale, deposit the full amount of the purchase money

Power to sell unclaimed holdings for money due

After deducting the amount due to the Commissioners as aforesaid, the surplus sale proceeds (if any) shall be credited to the municipal fund, and may be paid on demand to any person who establishes his right to the satisfaction of such Commissioners or in a Court of competent jurisdiction

Any person may pay the amount due at any time before the completion of the sale, and may recover such amount by a suit in a Court of competent jurisdiction from any person beneficially interested in such property

Compensation for damages

362. The Commissioners may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act

No action to be brought against the Commissioners or their officers until after one month's notice of cause of action

363. No suit shall be brought against the Commissioners of any municipality, or any of their officers, or any person acting under their direction, for anything done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of such Commissioners and also (if the suit is intended to be brought against any officer of the said Commissioners or any person acting under their direction) at the place of abode of the person against whom such suit is threatened to be brought, stating the cause of suit and the name and place of abode of the person who intends to bring the suit ,

and, unless such notice be proved, the Court shall find for the defendant

Every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards

If the Commissioners or their officer, or any person to whom any such notice is given, shall, before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover

Chaukidari chakaran lands

364 Notwithstanding anything contained in section 3 of Bengal Act 6 of 1870 [1] (*an Act to provide for the appointment, dismissal and maintenance of village chaukidars*), the provisions of Part II of the said Act, relating to chaukidari chákaran lands, shall be applicable to all such lands which have been assigned before the commencement of the said Act for the benefit of any part of a municipality, and all duties and functions which the panchayat of a village or any member thereof is required to discharge under the provisions of the said Part shall be discharged, and all powers which the panchayat of a village or any member thereof is authorized to exercise under the said Part shall be exercised by the Commissioners of such municipality, and the proceeds of the assessment on such lands made under the said Part shall be paid into the municipal fund, and shall be available for the purposes of such fund

Police officer to report offences and arrest persons refusing to give name and residence

365 All police officers shall give immediate information to the Commissioners of the municipality of any offence committed against this Act [2] [or any by law made in pursuance thereof]

When any person, in the presence of a police officer, commits, or is accused of committing, any such offence, and refuses, on demand of a police officer, to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained , and he shall, within twenty

[1] The Village chaukidari Act 1870 It is printed in Vol II p 104

[2] The words " or any by law made in pursuance thereof " , in s 365 were inserted by the Bengal Municipal (Amendment) Act 1894 (Ben Act 4 of 1894) s 98 *post* p 299

four hours from the arrest, be forwarded to the nearest Magistrate, before the expiration of that time his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate, if so required

[1] [Upon the recommendation of the Commissioners, any servant of the Commissioners in receipt of a salary of not less than ten rupees *per mensem*, when empowered in that behalf by a general or special order of the District Magistrate, [2] may exercise the powers of a police officer under this section]

Penalty on officers etc., taking unauthorized fees.

366 If any person employed under this Act (not being a public servant within the meaning of section 21[3] of the Indian Penal Code) shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing or forbearing to do any official act, or for showing or forbearing to show in the exercise of his official functions favour or disfavour to any person, or for rendering, or attempting to render, any service or disservice to any person with the Commissioners or with any public servant or with the Government in the discharge of his official duties, he shall be punished with imprisonment, either simple or rigorous, as provided in section 53[4] of the Indian Penal Code for a term which may extend to three years, or with a fine not exceeding five thousand rupees, or with both

Saving clause.

367. Nothing in this Act contained shall be construed to—

(*a*) render lawful any act or omission on the part of any person which, but for this Act, would by law be deemed to be a nuisance ,

(*b*) exempt any person guilty of nuisance from a suit in respect thereof ,

(*c*) affect any enactment not hereby expressly repealed

[1] *This paragraph was added by the Bengal Municipal (Amendment) Act* 1894 (Ben Act 4 of 1894), s 98 *post* p 299

[2] In Assam the Deputy Commissioner—*see* the Assam Local Statutory Rules and Orders, Supplt , 1901, p 12

[3] Printed in General Acts 1834 67 Ed 1898 p 244

[4] Printed in General Acts 1834 67 Ed 1898 p 2 0

[1] THE FIRST SCHEDULE

(*see sections 8 and 17*)

Municipalities in which the Commissioners shall be appointed by the Local Government

District	Municipality
[*Certain entries which are inapplicable to Eastern Bengal or Assam are omitted*]	
Bakarganj	Nalchiti
Ditto	Jhalakati
Chittagong	Cox's Bazar
[*Certain entries which are inapplicable to Eastern Bengal or Assam are omitted*]	

[illegible] town or village shall not be

[illegible] chedules has been so directed —

District	Municipality	Schedule	NOTIFICATION	
			No and date	Where published
1	2	3	4	5
Bakarganj	Patuakhali	First and Second Schedules	16th February, 1892	Calcutta Gazette, 1892 Pt IB, p. 33
Ditto	Pirojpur	Ditto	3rd July, 1885	Calcutta Gazette, 1885, Pt I, p 653
Jalpaiguri	Jalpaiguri	Ditto	20th January, 1885	Calcutta Gazette, 1885 Pt I, p 40
Malda	Nawabganj	Ditto	14th January, 1903	Calcutta Gazette, 1903 Pt IB, p 10
Mymensingh	Netrakona	Ditto	9th September 1886	Calcutta Gazette, 1886 Pt IB, p. 358
Ditto	Tangail	Second Schedule	3rd May, 1887	Calcutta Gazette 1887, Pt IB, p 141
Tippera	Chandpur	Ditto	28th October, 1897	Calcutta Gazette, 1897, Pt IB, p 218
			No 1532 F, dated 5th February, 1907	E B and A Gazette, 1907, Pt II p 191

[1] THE SECOND SCHEDULE

(*see sections* 8 *and* 23.)

Municipalities in which the Chairman shall be appointed by the Local Government.

District	Municipality
[*Certain entries which are inapplicable to Eastern Bengal or Assam are omitted.*]	
Chittagong	Cox's Bazar
[*Certain entries which are inapplicable to Eastern Bengal or Assam are omitted.*]	

THE THIRD SCHEDULE

FORM A.—(*see section* 112.)

Notice to be published of the preparation of the List of Assessment on Persons.

BENGAL MUNICIPAL ACT, 1884

(*section* 112.)

MUNICIPALITY OF

Whereas an assessment list of the tax upon persons occupying holdings has been deposited in the office of the Commissioners as required by section 112 of the Bengal Municipal Act, 1884, notice is hereby given that the said list is open to the inspection of all persons desiring to inspect the same at the office of the said Commissioners during office hours on any day not being a close holiday, and that the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity at the office appointed by the Commissioners for the receipt of the same, or to the tax collector or other officer authorized to receive payment, the first payment to be made on the first day of ( ), and every subsequent payment on or before the first day of ( ), the first day of ( ) and the first day of ( ) or in default thereof any arrear that may be due will be realized by distress and sale of the movable property belonging to the defaulter or which may be found on the holding in respect of which such defaulter is assessed, and by such other proceedings as are allowed by law.

Act 3 14.

Dated this day of

A. B.,

Chairman of Commissioners.

[1] As to the insertion of other municipalities in Sch. II, *see* footnote on p. 146 *ante*.

[1] THE FIRST SCHEDULE

(see sections 8 and 17)

Municipalities in which the Commissioners shall be appointed by the Local Government

District	Municipality
[Certain entries which are inapplicable to Eastern Bengal or Assam are omitted]	
Bakarganj	Nalchiti
Ditto	Jhalakati
Chittagong	Cox s Bazar
[Certain entries which are inapplicable to Eastern Bengal or Assam are omitted]	

[1] S 8 (*ante* p 42) directs that every notification thereunder declaring a town or village to be a municipality shall specify whether the name of such municipality shall or shall not be inserted in the first or second Schedule

The insertion of the following municipalities in Eastern Bengal in these Schedules has been so directed —

District	Municipality	Schedule	Notification	
			No and date	Where published
1	2	3	4	5
Bakarganj	Patuakhali	First and Second Schedules	16th February, 1892	Calcutta Gazette, 1892 Pt IB p 33
Ditto	Pirojpur	Ditto	3rd July 1885	Calcutta Gazette, 1885 Pt I p 653
Jalpaiguri	Jalpaiguri	Ditto	20th January 1885	Calcutta Gazette, 1885 Pt I, p 40
Malda	Nawabganj	Ditto	14th January, 1903	Calcutta Gazette, 1903 Pt IB p 10
Mymensingh	Netrakona	Ditto	9th September, 1886	Calcutta Gazette, 1886 Pt IB, p 358
Ditto	Tangail	Second Schedule	3rd May 1887	Calcutta Gazette 1887 Pt IB, p 141
Tippera	Chandpur	Ditto	28th October 1897	Calcutta Gazette, 1897 Pt IB, p 248
			No 1532 F dated 5th February 1907	E B and A Gazette, 1907 Pt II, p 191

[1] THE SECOND SCHEDULE

(*see sections* 8 *and* 23)

Municipalities in which the Chairman shall be appointed by the Local Government

District	Municipality
[*Certain entries which are inapplicable to Eastern Bengal or Assam are omitted*]	
Chittagong	Cox's Bazar
[*Certain entries which are inapplicable to Eastern Bengal or Assam are omitted*]	

THE THIRD SCHEDULE

FORM A —(*see section* 112)

Notice to be published of the preparation of the List of Assessment on Persons

BENGAL MUNICIPAL ACT, 1884

(*section* 112)

MUNICIPALITY OF

Whereas an assessment list of the tax upon persons occupying holdings has been deposited in the office of the Commissioners as required by section 112 ct 3 of the Bengal Municipal Act 1884, notice is hereby given that the said list is open to the inspection of all persons desiring to inspect the same at the office of the said Commissioners during office hours on any day not being a close holiday, and that the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity at the office appointed by the Commissioners for the receipt of the same, or to the tax collector or other officer authorized to receive payment, the first payment to be made on the first day of (   ), and every subsequent payment on or before the first day of (   ), the first day of (   ) and the first day of (   ) or in default thereof any arrear that may be due will be realized by distress and sale of the movable property belonging to the defaulter or which may be found on the holding in respect of which such defaulter is assessed, and by such other proceedings as are allowed by law

Dated this   day of

A B,

Chairman of Commissioners

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[1] As to the insertion of other municipalities in Sch II see footnote on p. 146 *ante*

THE THIRD SCHEDULE—concld.

FORM B.—(see section 112.)

Notice to be published of the preparation of the Valuation and Rating List of Holdings.

BENGAL MUNICIPAL ACT, 1884.

(section 112.)

MUNICIPALITY OF

Whereas a valuation and rating list of the rate on the annual value of holdings has been deposited in the office of the Commissioners as required by section 112 of the Bengal Municipal Act, 1884, notice is hereby given that the said list is open to the inspection of all persons desiring to inspect the same at the office of the said Commissioners during office hours on any day not being a close holiday; and that the several owners of the holdings included therein are hereby required to pay the quarterly instalment set opposite to their names with regularity at the office appointed by the Commissioners for the receipt of the same, or to the tax collector or other officer authorized to receive payment, the first payment to be made on the first day of ( ) and every subsequent payment on or before the first day of ( ), the first day of ( ) and the first day of ( ), and in default thereof any arrear that may be due will be realized by distress and sale of the movable property belonging to the defaulter, or which may be found on the holding in respect of which the valuation is made, and by such other proceedings as are allowed by law. Ben. Act 3 of 1884.

Dated this day of .

A. B.,

Chairman of Commissioners.

THE FOURTH SCHEDULE.

FORM A.—(see section 120.)

Notice of demand under section 120,

BENGAL MUNICIPAL ACT, 1884.

To

MUNICIPALITY OF

Take notice that the sum of Rs. , being the amount due from you as shown in the accompanying bill, is hereby demanded from you, and that if you do not within fifteen days pay the same to an officer authorized to receive payment, or into the office of the Municipal Commissioners, the amount

THE FOURTH SCHEDULE—*contd.*

FORM A—*concld*

together with costs will be levied by distress and sale of your goods and chattels, or otherwise as provided by law

A. B ,

Chairman of Commissioners.

[*The following note will be added at the foot of the above notice in those cases only in which the notice is to be addressed to a person who has not already paid one instalment of the tax at the rate at which the demand is made*]

NOTE —If you have any objection to make against this demand, you may, instead of paying the amount which is hereby demanded, present a petition to the Commissioners praying for a review of the amount assessed (or rated) Such petition must be presented within fifteen days of the service of this notice, otherwise it will not be received If you present such petition, no amount will be levied from you until the Commissioners shall have passed an order on your petition, but after fifteen days from such order the amount due by you, with such costs as the Commissioners may direct, will be levied unless it has been previously paid.

FORM B.—(*see section* 121.)

TABLE OF FEES PAYABLE UPON DISTRAINTS UNDER THIS ACT.

Sums distrained for	Fee Rs	Fee A
Under 1 rupee	0	4
1 and under 5 rupees	0	8
5 " 10 "	1	0
10 " 15 "	1	8
15 " 20 "	2	0
20 " 25 "	2	8
25 " 30 "	3	0
30 " 35 "	3	8
35 " 40 "	4	0
40 " 45 "	4	8
45 " 50 "	5	0
50 " 60 "	6	0
60 " 80 "	7	8
80 " 100 "	9	0
Above 100 "	10	0

THE FOURTH SCHEDULE—*contd.*

FORM B—*contd.*

The above charge includes all expenses, including the service of notice of demand, except when peons are kept in charge of property distrained in which case three annas must be paid daily for each man If the amount demanded be paid or the warrant discharged before the sale is held so that no sale is necessary, one fourth of the fees specified in the above table shall be remitted

—— ——

FORM C —(*see section* 122)

Distress Warrant.

BENGAL MUNICIPAL ACT, *1884* (*section 122*)

To (here insert the name of the officer charged with the execution of the warrant)

Whereas of has not paid or shown sufficient cause for the non payment of the sum of rupees due for taxes (or rates) mentioned in the margin, although the said sum has been duly demanded in writing from the said , and fifteen days have elapsed since the service of the notice of demand, This is to require you to distrain the movable property of the said wherever it may be found within the municipality, except ploughs, plough cattle, tools or implements of trade or agriculture, or any other movable property, subject to the same exceptions which may be found within the holding specified in the margin to the amount of the said sum of and the further sum of to defray the charges of taking, keeping and selling such property, and, if within ten days next after such distress the said sum of shall not be paid, to sell the said property, and having paid and deducted out of the proceeds of the sale the said sum of and the charges of taking, keeping and selling such property, to return the surplus (if any) on demand to the person whom you shall have found in possession of the said property, and, if no demand be made, to pay the same to the Commissioners If distress cannot be made of sufficient property of the said , you are to certify the same to us in returning this warrant

A B,
Chairman of

(*The Fourth Schedule —Forms D & E*)

THE FOURTH SCHEDULE—*contd.*

FORM D —(*see section* 122)

Form of Inventory and Notice

BENGAL MUNICIPAL ACT, 1884 (*section* 122)

(*State particulars of goods seized*)

Take notice that I have this day seized the property specified in the above inventory for the sum of due for the taxes (or rates) mentioned in the margin, and that unless you pay to me or into the office of the Commissioners of the said sum of and the further costs of this distraint as specified below, within ten days from the day of the date of this notice, the property will be sold

(*Signature of the officer executing the warrant of distress*)

Costs of distraint—
Date

FORM E —(*see section* 124)

Register of distraints of property and sales held on account of arrears for the month of in .

1 Name of defaulter
2 Number on register and specification of the holding on account of which the arrear is due
3 Amount of arrear due
4 Amount of costs and penalty
5 Total amount to be realized
6 Inventory of property seized under distress
7 Date of distress
8 Date of sale
9 Detail of articles sold
10 Amount realized on each article
11 Purchaser's name
12 Total amount realized
13 Amount paid into the Commissioners' office on account of the arrear due, with date
14 Amount paid into the Commissioners' office on account of costs and penalties
15 Surplus proceeds of sale remaining after deducting the amount of arrears, costs, penalties due

THE FOURTH SCHEDULE—*concld*

FORM E—*concld*

16 How the surplus was disposed of with date of such disposal
17 Balance of arrear still remaining unrealized if any
18 On what date such remaining balance was realized or written off by authority
19 Remarks (explaining why the property seized was released without sale if not eventually sold etc etc)

THE FIFTH SCHEDULE

(*see sections* 86 *and* 131)

TAX ON CARRIAGES AND ANIMALS

	Per quarter Rs A
For every 4 wheeled carriage drawn by two horses	4 8
For every 4 wheeled carriage drawn by one horse or a pair of ponies under 13 hands	3 0
[1] [For every 4 wheeled carriage drawn by one pony under thirteen hands	2 8]
For every 2 wheeled carriage	2 8
For every horse	2 0
For every pony under 13 hands and for every mule and donkey	0 12
For every elephant	6 0
For every camel	2 0

Carriages the wheels of which do not exceed twenty four inches in diameter are exempted

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THE SIXTH SCHEDULE

(*see sections* 2 *and* 4)

Act of the Governor General in Council

Number and year	Subject	Extent of repeal
21 of 1857	To make better provision for the order and good government of the station of Howrah	Sections 4 5 6 8 9 16 17 24 33 34 35 36 37 39 46

[1] The portion printed in square brackets was inserted by the Bengal Municipal (Amendment) Act 1894 (Ben Act 4 of 1894) s 99 post p 29?

(*The Sixth Schedule.*)

THE SIXTH SCHEDULE—*concld.*

Acts of the Lieutenant Governor of Bengal in Council

Number and year	Subject	Extent of repeal
6 of 1873	To provide for the levy of a lighting rate in Howrah	The whole Act
5 of 1876	To amend and consolidate the law relating to municipalities	Ditto
6 of 1878	To provide for the cleansing and construction of latrines in first class municipalities	Ditto

APPENDIX A.—*List* [1] *of Municipalities constituted under the Bengal Municipal Act*, 1884 (*Ben. Act* 3 *of* 1884), *in Eastern Bengal and Assam.*

1	2	3	4	5
Division.	District.	Serial number of municipalities	Name of Municipality.	Total number of Commissioners
		A.—Eastern Bengal.		
Chittagong	Chittagong	1	Chittagong	18
		2	Cox's Bazar	13
	Noakhali	3	Noakhali	12
	Tippera	4	Brahmanbaria	12
		5	Chandpur	9
		6	Comilla	18
Dacca	Bakarganj	7	Barisal	15
		8	Jhalakati	9
		9	Nalchiti	9
		10	Patuakhali	10
		11	Pirojpur	11
	Dacca	12	Dacca	21
		13	Naraingani	12
	Faridpur	14	Faridpur	18
		15	Madaripur	12
	Mymensingh	16	Bazitpur	9
		17	Jamalpur	15
		18	Kishorganj	15
		19	Muktagacha	9
		20	Mymensingh	18
		21	Netrakona	16
		22	Sherpur	12
		23	Tangail	15

[1] This list compiled from the statement published in the E. B. and A. Gazette, 1906, Supplt., pp. 989 to 991. It is corrected up to the 2nd November, 1907.

APPENDIX A.—*List of Municipalities constituted under the Bengal Municipal Act,* 1884 (*Ben. Act* 3 *of* 1884), *in Eastern Bengal and Assam*—concld.

1 Division.	2 District	3 Serial number of municipalities	4 Name of Municipality	5 Total number of Commissioners.
			A.—Eastern Bengal—contd	
Rajshahi	Bogra	24	Bogra	15
		25	Sherpur	12
	Dinajpur	26	Dinajpur	15
	Jalpaiguri	27	Jalpaiguri	16
	Malda	28	English Bazar	18
		29	Nawabganj	12
		30	Old Malda	12
	Pabna	31	Pabna	18
		32	Sirajganj	18
	Rajshahi	33	Nator	19
		34	Rampur Boalia	21
	Rangpur	35	Rangpur	18
			B.—Assam	
Assam Valley Districts	Goálpára	36	Dhubri	11
	Kámrup	37	Gauhati	10
	Lakhimpur	38	Dibrugarh	14
Surma Valley and Hill Districts.	Sylhet	39	Sylhet	15

APPENDIX B.—*References to some orders, rules and by laws made under the Bengal Municipal Act,* 1884 (*Ben Act* 3 *of* 1884), *for Municipalities in Eastern Bengal*

1 Municipalities	2 Subject	3 Reference
Municipalities generally	Rules as to dispensaries	Dispensary Manual 1899, the Bengal Local Statutory Rules and Orders 1903 Vol II, p 352
	Rules under ss 15 and 69	[illegible] Orders,
	Rules under s 69	117
	Rules under s 69 B.	Orders 3448 F, Gazette,
	[illegible]	[illegible] 1907 [illegible]

APPENDIX B.—*References to some orders, rules and by-laws made under the Bengal Municipal Act*, 1884 (*Ben. Act* 3 *of* 1884), *for Municipalities in Eastern Bengal*—concld.

1	2	3
Municipalities	Subject	Reference
Barisal	Order under s 221	Notfn No 151 TM, dated 14th April, 1905, in Calcutta Gazette, 1905, Pt IB, p 69
Bazitpur	Order under s 15	Notfn No 529 F, dated 24th January, 1906, in E B and A Gazette, 1906, Pt II, p 92
Brahmanbaria	Order under s 221	Notfn No 1734 TM, dated 22nd July, 1905, in Calcutta Gazette, 1905, Pt IB, p 143
Chandpur, Jalpaiguri, Nawabganj, Netrakona, Patuakhali, Pirojpur, Tangail	Insertion of these Municipalities in First or Second Schedule to this Act	See footnote on p 146, *ante*
Chandpur	By laws	Notfn No 4985 F dated 4th June, 1906, in E B and A Gazette, 1906, Pt II, p 514
Ditto	Order under s 9A (2)	[illegible]
Ditto	Order under s 15	
Ditto	Rules under ss 237 and 241	
Comilla	Order under s 9A(2)	
Cox's Bazar	Ditto	
Ditto	Order under s 32	
Ditto	Order under s 221	
Dacca	Order under s 9A (2)	Notfn No 9322 F, dated 3rd September, 1906, in E B and A Gazette, 1906, Pt. II, p 899
Jhalakati	Order under s 221	Notfn No 2153 M, dated 8th July, 1907, in E B. and A Gazette, 1907, Pt II, p. 974
Malda	Ditto	Notfn. No 1893 F, dated 18th December, 1905, in E B and A. Gazette, 1905, Pt II, p 205.
Old Malda	[illegible]	[illegible]
Mymensingh	Order	
Naraingang	Order	
Nawabganj	Order	
Ditto	Order	
Noakhali	Order	
Patuakhali	Order	[illegible]
Pirozpur	Order under ss 223	
Rangpur	Order under s 85	Calcutta Gazette, 1905, Pt IB, p. 65
Ditto	Order under s 221	Notfn No 10215, dated 20th September, 1906, in E B and A Gazette, 1906 Pt II, p 976

APPENDIX C—*References to orders, rules and by laws made or continued under the Bengal Municipal Act,* 1884 (*Ben. Act* 3 *of* 1884), *for Assam Municipalities in which the Act is in force*

Municipalities	The Assam Local Statutory Rules and Orders, 1893.	The Assam Local Statutory Rules and Orders, Supplement, 1901	Notification		
			No and date	Subject	Gazette
1	2	3	4	5	6
Dhubri	p 288 pp. 301 to 306 and Correction Slips Nos 242 343	p 153, p. 155 and Correction Slip No. 20; pp. 157, 158, pp 173 174 and Correction Slip No 24	3632, 22nd August, 1901	Order under s 13	Assam Gazette, 1901, Pt II, p 631
			2358 F, 1st March, 1907	Order under s 221	E. B and A Gazette, 1907 Pt II p 290
			4022 F, 28th March 1907	Order under s 94 (2)	E B and A Gazette, 1907 Pt II p 389
			271, 15th April 1907	Rule under s 15	E B and A Gazette 1907 Pt II p 460
			4793 M 13th November, 1907	By law	E B and A Gazette, 1907, Pt II, p 6068
Dibrugarh	pp 353, 374 to 378 386 to 390, 392, 393	pp 175, 176	1098 F, 11th June, 1903	By law	Assam Gazette 1903 Pt II, p 341
Gauhati	pp 351, 352 and Correction Slips Nos 271, 293, 294, 295, 329, pp 362 to 374, and Correction Slips Nos 235 330, pp 378 383 to 386, 391	p 175, Correction Slip No 23	978 F, 11th March 1904	Order under s 221	Assam Gazette 1904, Pt II, p 160
			9637 F, 13th September, 1906	Ditto	E B and A Gazette 1906, Pt II p 943
Sylhet .	p 351 and Correction Slip No 326, pp. 353 to 362 and Correction Slip No 260, pp 378 to 382, 390 to 392		6169 F, 2nd July, 1906	Ditto	E B and A Gazette, 1906, Pt II, p. 683

BENGAL ACT 1 OF 1885

(THE BENGAL FERRIES ACT 1885).

CONTENTS

PREAMBLE

PRELIMINARY

PART I

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BENGAL ACT 1 OF 1885 [1]

(THE BENGAL FERRIES ACT, 1885)

[27th *May*, 1885]

An Act to regulate Ferries in Bengal [2]

Preamble

WHEREAS it is expedient to regulate ferries within the territories subject to the Lieutenant Governor of Bengal [2], It is enacted as follows —

Preliminary

Short title

1 This Act may be called the Bengal Ferries Act, 1885

Extent and commencement of Act

2 It shall extend to all the territories subject to the Lieutenant Governor of Bengal [2]

[*And it shall come into force on such date* [3] *as the Lieutenant-Governor may by notification in the Calcutta Gazette appoint in this behalf*]

Regulation 6 of 1819 and Ben Act 1 of 1866 repealed

3 Regulation 6 of 1819 and Bengal Act 1 of 1866 are hereby repealed, but all determinations declarations, orders and rules made, engagements entered into and securities taken under such Regulation and Act shall be deemed to be respectively made, entered into and taken under this Act

Act not to apply to municipal ferries

4 Nothing in this Act contained shall apply to any ferry deemed or declared to be a municipal ferry under the provisions of the Bengal Municipal Act, 1884 [4] Ben. of 188

Interpretation

5 In this Act, unless there be something repugnant in the subject or context,—

"Commissioner"

"Commissioner," means the Commissioner of a division

"Ferry"

"ferry" includes a bridge of boats, pontoons or rafts, a swing bridge, a flying bridge, a temporary bridge and a landing stage

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II,

pp 812 839, ... 314, *ibid* Pt. II, pp 168 501 1012,
p 841,
pp 812 839, *ibid* 1907, Pt. I, p 314 *ibid* Pt. II,

al Local Statutory Rules and Orders, 1903, Vol. II, p 158

... of 1878

... ine 1885, Pt. I p 610

[4] As to ferries in Municipalities, *see* ss 148 to 156 of the Bengal Municipal Act 1884 (Ben Act 3 of 1884) *ante* pp 89 90

"notification" means a notification published in the Calcutta Gazette[1]; "Notification"

"private ferries" includes all ferries other than those declared to be public ferries, or established as such, under section 6 of this Act "Private ferries"

PART I

PUBLIC FERRIES

6 It shall be lawful for the Lieutenant-Governor[2], from time to time, to— Power to declare, establish, define and discontinue public ferries.

(a) declare what ferries shall be deemed public ferries, and the respective districts in which, for the purposes of this Act, they shall be deemed to be situate,

(b) take possession of a private ferry and declare it to be a public ferry,

(c) establish new public ferries where, in his opinion, they are needed,

(d) define the limits of any public ferry,

(e) change the course of any public ferry, and

(f) discontinue any public ferry which he deems unnecessary

Every such declaration, establishment, definition, change or discontinuance shall be made by notification

Provided that, when any alteration in the course or in the limits of a public ferry is rendered necessary by changes in the river on which such ferry is established, such alteration may be made, by an order in writing, by the Magistrate of the district

7. The control of all public ferries shall be vested in the Magistrate of the district, subject to the direction of the Commissioner Control of public ferries vested in the Magistrate of the district.

8 The immediate superintendence of every public ferry shall be vested in the Magistrate of the district in which such ferry is situated, or in such other officer as the Lieutenant Governor [2]may from time to time, either by name or by official designation, appoint Superintendence of public ferries.

And such Magistrate or officer shall, except when the tolls at such ferry are leased, make all necessary arrangements for the supply of boats for such ferry, and for the collection of the authorized tolls leviable thereat

9 The tolls of any public ferry may, from time to time, be leased by public auction for such term as the Magistrate of the district in which such ferry is situated may with the approval of the Commissioner direct Ferry tolls may be leased by auction.

The Magistrate of the district or the officer authorized by him to conduct such auction may for sufficient reason to be recorded in writing, refuse to

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[1] ... sam Laws Act 1905 (7 of 1905) s 3.

[2] ... Assam —see the Bengal and Assam ... Vol. I pp 6?3 624

accept the offer of the highest bidder, and may accept any other bid, or may withdraw the tolls from auction

Execution of contract by lessee

The lessee of the tolls of every ferry which have been leased under this section shall execute a contract setting forth the conditions on which the tolls of such ferry are to be held, and shall give security for its due fulfilment

Lessee of the tolls of a public ferry and his servants bound to conform to rules

10 When the tolls of a public ferry have been duly leased the lessee and every servant of the lessee shall be deemed to be legally bound to conform to the rules made under this Act for the management and control of such ferry

Provision for the establishment of subsidiary ferry

11 On the requisition of the Magistrate of the district the person in charge of a public ferry situate in such district shall maintain at one or more places, in addition to the place at which the said public ferry is established, and within two miles therefrom such number of subsidiary ferries as may seem to the Magistrate to be necessary for the public convenience and all the provisions contained in this Act in regard to the management and control of public ferries shall be deemed applicable to any subsidiary ferry maintained under the requisition of the Magistrate

Recovery of arrears from lessee

12 All arrears due by the lessee of the tolls of a public ferry on account of his lease,

any pecuniary forfeiture for breach of contract inserted in the deed of contract or conditions of sale by public auction, and

all sums due from the lessee on the surrender of his lease under section 14

may be recovered from the lessee or his surety (if any) as a demand under Bengal Act 7 of 1880 or any other Act [1] at the time being in force for the recovery of public demands

Power to cancel lease

13 The lease of the tolls of any public ferry shall be liable to be cancelled at once by the Magistrate of the district in which such ferry is situated, if it shall appear to such Magistrate that the lessee has failed to make due provision for the convenience or safety of the public within fifteen days after being required to do so by a notice in writing from such Magistrate

Surrender of lease

14 The lessee of the tolls of a public ferry may surrender his lease on the expiration of one month's notice in writing to the Magistrate of the district in which such ferry is situated of his intention to surrender such lease, and on payment of such reasonable compensation as the Magistrate may, with the approval of the Commissioner, in each case direct

Power to make rules in regard to public ferries

15 The Magistrate of the district, with the approval of the Commissioner, may from time to time make rules, consistent with this Act —

(a) for the management of all public ferries within such district, and for regulating the traffic at such ferries,

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[1] See now the Public Demands Recovery Act 1895 (Ben. Act 1 of 1895) printed *post*, p. 30? which repeals and re enacts Ben. Act 7 of 1880

(b) for regulating the time and manner at and in which, the terms on which, and the person by whom, the tolls of such ferries may be leased by auction,

(c) for compensating persons who have compounded for tolls payable for the use of any such ferry when such ferry has been discontinued before the expiration of the period compounded for, and

(d) generally to carry out the purposes of this Act

And, when the tolls of a ferry have been leased under section 9, such Magistrate may, from time to time, with such approval as aforesaid, make additional rules consistent with this Act—

(e) for collecting the rents payable for the tolls of such ferries,

(f) for regulating the returns of traffic to be, from time to time, submitted by the lessee of such ferries,

(g) in cases in which the communication is to be established by means of a bridge of boats, pontoons or rafts, or a swing bridge, flying-bridge or temporary bridge, for regulating the time and manner at and in which such bridge shall be constructed and maintained, and opened for the passage of vessels and rafts through the same, and

(h) in cases in which the traffic is conveyed in boats, for regulating—

the number and kinds of such boats and their dimensions and equipment,

the number of the crew to be kept by the lessee for each boat,

the maintenance of such boats in good condition,

the hours during which, and the intervals within which, the lessee shall be bound to ply, and

the number of passengers, animals and vehicles, and the bulk and weight of other things that may be carried in each kind of boat at one trip,

and may, from time to time, with such approval as aforesaid, repeal or alter such rules

Rules made under this section shall be subject to the control of the Lieutenant Governor [1] and shall be published in the Calcutta Gazette [2] in such manner as the Lieutenant-Governor [1] directs, and shall thereupon have the force of law

Private ferry not to ply within two miles of public ferry without sanction

16 No person shall, except with the sanction of the Magistrate of the district, maintain a ferry to or from any point within a distance of two miles from the limits of a public ferry

—see the Bengal and Assam Laws Act 1905 (7 of 1905).

pp 623 624

Provided that, in the case of any specified public ferry, the Lieutenant-Governor [1] may, by notification, reduce or increase the said distance of two miles to such extent as he thinks fit

Provided also that nothing hereinbefore contained shall prevent persons keeping boats to ply between two places, one of which is without, and one within, the said limits, when the distance between such places is not less than three miles, or shall apply to boats which the Magistrate of the district expressly exempts from the operation of this section

Claims for compensation and what amount to be awarded.

17 Claims for compensation for any loss sustained by any person in consequence of a private ferry being taken possession of, or a new public ferry, or subsidiary ferry, being established under section 6 or section 11, shall be inquired into by the Magistrate of the district in which such ferry is situated, who shall, with the approval of the Commissioner, award compensation to any person who may appear justly entitled thereto Such compensation shall be calculated upon an estimate of the annual net profit actually realized by such person from such ferry on an average of the five years next preceding such declaration, and shall in no case exceed the amount of fifteen times such net annual profit

Tolls.

18 Tolls, according to such rates as may, from time to time, be fixed by the Magistrate of the district with the approval of the Commissioner, shall be levied on all persons, animals vehicles and other things [2] crossing any river by a public ferry and not employed or transmitted on the public service

Provided that the Lieutenant Governor [1] may, from time to time, declare that any persons, animals, vehicles or other things shall be exempt from payment of such tolls

Where the tolls of a ferry have been leased under section 9, any such declaration, if made after the date of the auction shall entitle the lessee to such abatement of the rent payable in respect of the tolls as may be fixed by the Magistrate of the district under this section

Table of tolls

19 The lessee or other person authorized to collect the tolls of any public ferry shall affix a table of such tolls legibly written or printed in the vernacular language, and also, if the Commissioner so directs, in English, in some conspicuous place near the ferry

List of tolls

and shall be bound to produce, on demand, a list of the tolls signed by the Magistrate of the district or such other officer as he appoints in this behalf

Tolls rents compensation

20 Except as provided by section 35, all tolls, rents and compensation received by or on behalf of the Government, and all fines levied under this Act,

(Part I —Public Ferries —Part II —Private Ferries —Part III —Penalties and Criminal Procedure – Secs 21 24)

shall be appropriated in the first instance towards the payment of all charges incurred in carrying out the provisions of this Act, and the surplus, if any, shall be credited to such fund as the Lieutenant Governor [1] may from time to time direct

and fines how to be appropriated

21 It shall be lawful for the Magistrate of the district in which a public ferry is situated with the approval of the Commissioner, from time to time to fix rates at which any person may compound for the tolls payable for the use of such ferry

Compounding for tolls

PART II

PRIVATE FERRIES

22 The Commissioner may from time to time make rules, consistent with this Act, for the maintenance of order, and for the safety of passengers and property, at private ferries situated in his division

Power to make rules in regard to private ferries

Rules made under this section shall be subject to the control of the Lieutenant Governor, [1] and shall be published in the Calcutta Gazette [2] in such manner as the Lieutenant Governor [1] directs, and shall thereupon have the force of law

PART III

PENALTIES AND CRIMINAL PROCEDURE

23 Every lessee or other person authorized to collect the tolls of a public ferry, who neglects to affix and keep in good order and repair the table of tolls mentioned in section 19,

Penalty for breach of provisions as to table of tolls list of tolls and return of traffic

or who wilfully removes, alters or defaces such table, or allows it to become illegible,

or who fails to produce on demand the list of the tolls mentioned in section 19,

and every lessee who neglects to furnish any return required under section 15,

shall be punished with fine which may extend to fifty rupees

24 Every such lessee or other person as aforesaid asking or taking more than the lawful toll, or without due cause delaying any person, animal, vehicle

Penalty for taking unauthorized

[illegible] al and Assam

(7 of 1905)

tolls, and for causing delay. or other thing, shall be punished with fine which may extend to one hundred rupees.

Penalty for breach of rules made under sections 15 and 22. 25. Every person breaking any rule made under section 15 or section 22 shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Cancelment of lease on default or breach of rules. 26. When any lessee of the tolls of a public ferry makes default in the payment of the rent payable in respect of such tolls, or has been convicted of an offence under section 25, or having been convicted of an offence under section 23 or section 24, is again convicted of an offence under either of those sections, the Magistrate of the district may, with the approval of the Commissioner, cancel the lease of the tolls of such ferry, and make other arrangements for its management during the whole or any part of the term for which the tolls were leased.

Penalties on passengers offending. 27. Every person crossing by any public ferry who refuses to pay the proper toll, and every person—

who, with intent to avoid payment of such toll, fraudulently or forcibly crosses by any such ferry without paying the toll, or

who obstructs any toll collector or lessee of the tolls of a public ferry, or any of his assistants, in any way in the execution of their duty under this Act, or

who, after being warned by any such toll collector, lessee or assistant not to do so, goes, or takes any animals, vehicles or other things, into any ferry boat, or upon any bridge at such a ferry, which is in such a state or so loaded as to endanger human life or property, or

who refuses or neglects to leave, or remove any animals, vehicles or goods from any such ferry boat or bridge on being requested by such toll collector, lessee or assistant to do so, or

who moors any boat, raft or other substance to, or in any way obstructs, any part of a public ferry,

shall be punished with fine which may extend to fifty rupees.

Penalty for plying within public ferry course without license. 28. Whoever conveys for hire any passenger, animal, vehicle or other thing in contravention of the provisions of section 16 shall be punished with fine which may extend to fifty rupees.

Fines payable to lessee. 29. Where the tolls of any public ferry have been leased under the provisions hereinbefore contained, the whole or any portion of any fine realized under section 27 or section 28 may, notwithstanding anything contained in section 20, be at the discretion of the convicting Magistrate or Bench of Magistrates, paid to the lessee.

Penalty for rash navigation and 30. Whoever navigates, anchors, moors or fastens any vessel or raft, or stacks any timber, in a manner so rash or negligent as to damage a public ferry, shall be punished with imprisonment for a term which may extend to three

months, or with fine which may extend to five hundred rupees, or with both, and the toll collector or lessee of the tolls of such ferry, or any of his assistants, may seize and detain such vessel, raft or timber pending the inquiry and assessment hereinafter mentioned

stacking of timber

Power to arrest without warrant

31 The police may arrest without warrant any person committing an offence against section 27 or section 30

Magistrate may assess damage done by offender

32 Every Magistrate or Bench of Magistrates trying any offence under this Act may inquire into and assess the value of the damage (if any) done or caused by the offender to the ferry concerned, and shall order the amount of such value to be paid by him in addition to any fine imposed upon him under this Act, and the amount so ordered to be paid shall be leviable as if it were a fine, or when the offence is one under section 30 by the sale of the vessel, raft or timber causing the damage, and of anything found in or upon such vessel or raft

The *Commissioner may, on the appeal of any person deeming himself* aggrieved by an order under this section, reduce or remit the amount payable under such order

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PART IV

MISCELLANEOUS

Power to take possession of boats and other appliances on surrender or cancellation of lease.

33 On the cancelment or surrender of a lease, the Magistrate of the district may take possession of all boats and other appliances which have been used by the lessee in the working of the ferry and may either retain the sale permanently on payment of a fair price to the proprietor or may retain them for such time as may be necessary, not exceeding three months until he can make arrangements for such other boats and appliances as may be necessary in which case the Magistrate of the district shall pay a fair sum to the owners for the use of the said boats and appliances

Provided that, within a week of taking such possession the Magistrate of the district shall be bound to give notice to the said lessee of his intention to *retain the said boats and appliances permanently, or for a period to be speci* fied in the notice

Similar power in cases of emergency

34 When any boats or their equipments or any materials or appliances suitable for setting up a ferry, are emergently required for facilitating the transport of officers or troops of Her Majesty on duty or of any other persons on the business of Her Majesty, or of any animals, vehicles or baggage belonging to such officers, troops or persons or of any property of Her Majesty, the

Magistrate of the district may take possession of and use the same (paying such compensation for the use thereof as the Lieutenant Governor [1] may in each case direct) until such transport is completed

Management may be vested in district board.

35 It shall be lawful for the Lieutenant Governor [1] to order that any public ferry situated in any district in which a district board has been established under the provisions of the Bengal Local Self Government Act of 1885 [2] shall be managed by such district board, and such district board shall have all the powers vested in the Magistrate of the district under this Act except the powers specified in sections 7, 17 and 32, and the Lieutenant Governor [1] may further order that all or any part of the proceeds of such ferry, and all or any part of the fines levied and compensation received under this Act in respect thereof, be paid into the district fund [3]

And thereupon such ferry shall be managed and such proceeds, fines and compensation shall be paid, accordingly

The Lieutenant Governor [1] may from time to time vary or annul any order made under this section

Delegation of powers

36 The Lieutenant Governor [1] may, from time to time, delegate, under such restrictions as he thinks fit any of the powers conferred on him by this Act to any Commissioner or Magistrate of a district or to such other officer or authority as he thinks fit, by name or by official designation

BENGAL ACT 3 OF 1885

(The Bengal Local Self Government Act of 1885).

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CONTROL

BENGAL ACT 3 OF 1885 [1]

(THE BENGAL LOCAL SELF-GOVERNMENT ACT OF 1885).

[22nd July, 1885.]

An Act to extend the system of Local Self-government in Bengal.[2]

amble. WHEREAS it is expedient to extend the system of local self-government within the territories subject to the Government of the Lieutenant-Governor of Bengal [2]; It is enacted as follows.—

Preliminary.

rt title 1. This Act may be called the Bengal Local Self-government Act of 1885.

ent It shall extend to all the territories subject to the Lieutenant-Governor of Bengal [2] which are not included within the limits of [*the town of Calcutta, or of*

[1] LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, *see* Calcutta Gazette, 1883, Part IV, p. 99, for Preliminary Report of Select Committee, *see ibid*, 1884, Part

For a list of Unions in Eastern Bengal constituted by notification under s. 38, *see* the Appendix on p. 218, *post*

For rules under s. 138,—

as to hospitals and dispensaries, *see* the Dispensary Manual, 1899;

Govern ... Manual 1902, p.

As to assignments to District Boards, *see ib.*, p. 36

Ed, 1899, p. 319, and

(2) the Bengal General Clauses Act, 1899 (Ben. Act 1 of 1899), s. 3, cl. (23), *post*, p. 416

For a list of statutory provisions as to the powers, etc., of "local authorities," *see* clauses (1) to (11) of the footnote on p. 37, *ante*.

ASSAM.—For orders as to local self government in Assam, *see* the Assam Local Board Manual, 1905, the Assam School Manual, 1905, and the Assam Executive Manual, 1905, pp. 38 (para. 121), 50 (para. 173) and 98 (paras. 307, 309).

[2] This includes Eastern Bengal.

the districts of Singhbhum, the Sonthal Parganas or] the Chittagong Hill tracts, or of any place or town to which the provisions of the Bengal Municipal Act, 1884, [1] have been, or may hereafter be extended,

And it shall come into force in any district [2] on such date as the Lieutenant-Governor may, by notification, direct

Commencement

[*Any notification, order or rule, and any appointment to an office, may be made, or election held, under this Act after it shall have received the assent of the Governor General, and shall take effect in any district on this Act coming into force therein*]

2. On this Act coming into force in any district, the enactments specified in the first and second schedules shall, as regards such district, be repealed to the extent mentioned in the third column of the first schedule, and be amended to the extent mentioned in the third column of the second schedule

Enactments repealed and amended

But this repeal shall not revive any office, authority or thing abolished by such enactment, or affect the validity of anything which has been done or suffered, or any right, title, obligation or liability which has accrued before the commencement of this Act

3. Every person holding office in any district under the repealed provisions of the Cess Act, 1880, [3] shall continue to hold such office until it shall be abolished, or a new appointment made in respect thereof, by the district board established in such district under the provisions of this Act

Office held under repealed provisions of Bengal Act 9 of 1880 to continue in existence until its abolition or confirmation by district board

Provided that, if for a period of twelve months from the date on which this Act comes into force in any district, the district board does not abolish such office or make such appointment as aforesaid, the person holding such office shall be deemed to have been appointed to it under the provisions of this Act

Provided, further, that, if such office shall be abolished or a new appointment made in respect thereof, compensation, pension or gratuity shall be paid from the district fund to any person not being a servant of the Government who may be deprived of such office, and the amount of such pension or gratuity shall be calculated in accordance with any rules made under the provisions of section 138 of the Cess Act, 1880, [3] or, if no such rules have been made, the amount shall be calculated in accordance with the rules regulating the payment of compensation pensions and gratuities to uncovenanted servants of the Government

4 Notwithstanding anything in section 1, this Act shall not come into force in any cantonment without the sanction of the Governor General in Council previously obtained

Act not to come into force in cantonments without sanction of Governor General in Council.

[1] Printed *ante* p 36

[2] This Act has been brought into force in all districts of Eastern Bengal except the Chittagong Hill tracts by notification under this section—*see* List of pp 680 681 of Vol II of the Bengal Code 1905

[3] Printed in Vol. II p 460

Interpretation.

5 In this Act, unless there be something repugnant in the subject or context,—

"Commissioner" — "Commissioner" means the Commissioner of a division

"Local authority" — "local authority" means any district board or local board, joint committee, union committee or joint union committee constituted under this Act

"Municipal authority" — "municipal authority" means the Commissioners of a municipality constituted under the provisions of the Bengal Municipal Act, 1884, [1]

"Notification" — "notification" means a notification published in the Calcutta Gazette [2]

"Magistrate of the district" — "Magistrate of the district" includes any Magistrate subordinate to the Magistrate of the district, to whom he may delegate all or any of his powers under this Act

"Salaried servant of Government" — the term "salaried servant of Government" does not include a retired servant of Government in receipt of a pension

"Financial year" — "financial year" means the year commencing on the first day of April.

"Cess year" — "cess year" means the year as fixed by the Lieutenant-Governor[3] under the Cess Act of 1880. [4]

PART I.

LOCAL AUTHORITIES

CHAPTER I.

DISTRICT BOARDS AND LOCAL BOARDS

Constitution of District Boards and Local Boards

District boards and local boards

6 The Lieutenant Governor [3] shall by notification, establish a district board for every district

The Lieutenant Governor [3] may, by notification, establish a local board in any sub division or in any two or more sub divisions combined, and may cancel or vary any such notification

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[1] [illegible]

... Laws Act 1905 (7 of 1905)

... —see the Bengal and Assam ... pp 623 624

Provided that a local board shall be established in every sub division of every district mentioned in the third schedule of this Act, and in any other sub division to which the provisions of the next succeeding Chapter shall have been extended.

A district board shall have authority, for the purposes of this Act over the district for which it is established and a local board shall have authority over such sub division or sub divisions as the Lieutenant Governor [1] may, by notification, direct.

Constitution of district boards.

7. A district board shall consist of such number of members not being less than nine, as the Lieutenant Governor [1] may, by notification, fix in this behalf, and may include elected and appointed members.

Provided that, if there be no local board within a district, the whole of the district board shall consist of appointed members.

When a local board has been established in any district, such local board shall be entitled to elect such proportion of the whole of the district board as the Lieutenant Governor [1] shall from time to time direct.

Provided that, when local boards have been established throughout the whole area of any district not less than one half of the whole district board (exclusive of the Chairman if appointed under section 22) shall be elected by such local boards.

Provided also that no person shall be elected a member of the district board unless he be qualified for election as a member of some local board in the district under the provisions of section 13 of this Act.

The appointed members (if any) shall be such persons and officials as the Lieutenant Governor [1] shall from time to time, either by name or by official designation appoint.

Provided that not more than one half of the appointed members shall be salaried servants of the Government.

Constitution of local boards.

8. A local board shall consist of such number of members, not being less than six, as the Lieutenant Governor [1] may by notification fix in this behalf.

Lieutenant Governor to make rules for qualification of persons entitled to vote for election of members of local boards.

9. Two thirds of the members of each local board established in a district mentioned in the third schedule of this Act shall be elected under such rules, consistent with this Act as the Lieutenant Governor [1] may make for each local board in respect of the qualifications required to entitle any person to vote for a candidate for election and in respect of the time and mode of election.

Provided that every male person of the full age of twenty one years resident within the area under the authority of a local board who is qualified in one of the manners following that is to say:—

Qualification of electors.

(1) is a member of a union committee within such area,

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905), s. 3 and Sch. D, Pt. I cl. I in Vol. I pp. 623, 624.

(2) has, during the year immediately preceding such election—

(a) paid a sum of not less than one rupee on account of road cess in respect of lands situated either wholly or in part within such area,

(b) paid license tax in respect of a trade, dealing or industry carried on within such area, or

(c) been possessed of a clear annual income from any source of not less than two hundred and forty rupees,

(3) being a member of a joint undivided family, one of the members of which is qualified for election as in this section hereinbefore provided is a graduate or licentiate of any university, or holds a certificate as a pleader or mukhtar

shall be entitled to vote at an election of members of such local board.

Lieutenant Governor may appoint remaining members if full proportion not elected within the prescribed time

10 If within the time prescribed by the rules under the last preceding section the said proportion of such members is not elected, the Lieutenant Governor [1] may appoint the remainder

Appointment of members of local boards by Lieutenant Governor to take effect on result of election.

11 One third of the members of each local board established in a district mentioned in the third schedule of this Act shall be appointed by the Lieutenant Governor [1] immediately after the result of the election mentioned in section 9 shall have been notified to him and such appointment shall be deemed to have been made on the date on which such election takes place

Proportionate number of members how to be ascertained if the whole number is not evenly divisible by two or by three

12 In cases where the whole number of members is not evenly divisible by two or by three the one half or one third as the case may be, shall be ascertained by taking the number next below the whole number which is evenly divisible by two or by three as the number to be divided

Qualification for election as members of local boards established in districts mentioned in schedule

13 The Lieutenant Governor [1] shall make rules, consistent with this Act, defining the qualifications of candidates for election as members of each local board established in a district mentioned in the third schedule of this Act

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl I in Vol I pp 623 624

(Part I —Local Authorities —Chapter I —District Boards and Local Boards —Secs 14 16)

Provided that every male person of the full age of twenty one years who is qualified in one of the manners following that is to say —

(1) is a member of a union committee within the area under the authority of such local board

(2) has during the year immediately preceding such election had his fixed place of abode within the area under the authority of such local board and

(a) paid a sum of not less than five rupees on account of road cess in respect of land situated either wholly or in part within the area under the authority of such local board

(b) paid a license tax of not less than twenty rupees in respect of a trade dealing or industry carried on within the area under the authority of such local board or

(c) been possessed of a clear annual income from any source of not less than one thousand rupees

(3) being a member of a joint undivided family one of the members of which is qualified for election under clause (1) or clause (2) (a) or b) of this proviso is a graduate or licentiate of any university or holds a certificate as a pleader or mukhtar

shall be deemed to be qualified for election as a member of such local board

14 It shall be lawful for the Lieutenant Governor [1] by notification from time to time to add the name of any district to the list included in the third schedule of this Act — Lieutenant Governor may add names of districts not already included to schedule

From and after the date of such notification such district shall for the purposes of this Act be deemed to be a district mentioned in such schedule

15 The members of a local board established in a
in the third schedule of this Act shall be appointed
Governor [1] either by name or by official designation — districts not mentioned schedule

Provided that not more than one half of the whole number shall be salaried servants of the Government

Provided further that the Lieutenant Governor [1] may at any time in regard to any local board direct that two thirds of the members of such local board shall be elected under the provisions of sections 9 10 and 13 and that one third shall be appointed under the provisions of section 11

16 A member of a district board or local board
designation shall unless and until the Lieutenan
directs continue to be a member of the board while he continues to hold the office to which such designation refers — board and local board.

The term of office of all other members of a district board or a local

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 190 (7 of 190) s. 3 and Sch D Pt I I I in Vol I pp. 693 694

board shall be fixed by the Lieutenant Governor [1] by rules made under this Act, which may provide for the retirement of members by rotation

An outgoing member, if otherwise qualified, may be re elected or re-appointed

Resignation of members.

17 A member of a district board or local board may resign by notifying in writing his intention to do so, in the case of a member of a district board to the Lieutenant Governor, [1] and in the case of a member of a local board to the Commissioner, and on such resignation being accepted by the Lieutenant Governor [1] or Commissioner, respectively, the member shall be deemed to have vacated his office, and shall not be re elected until the expiration of the term for which he would have held the office but for his resignation

Powers of Lieutenant Governor to remove members

18 The Lieutenant Governor [1] may remove any member of a district board or local board—

(a) if he refuses to act, or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as, in the opinion of the Lieutenant Governor, [1] *formed after due inquiry, unfits him to be a* member,

(b) if he has been declared by notification to be disqualified for employment in the public service,

(c) if he without an excuse, sufficient in the opinion of the Lieutenant Governor, [1] absents himself from six consecutive meetings of the board,

(d) when he is a salaried *servant of the Government*, if his continuance in office is in the opinion of the Lieutenant Governor, [1] undesirable

Filling of casual vacancies.

19 When the place of an elected member of a district board or local board becomes vacant by the resignation or removal of the member, or by his death, a new member shall be elected in accordance with the rules made by the Lieutenant Governor [1] under this Act to fill the place:

Provided that no act of the board or of its officers or of the board in meeting, shall be deemed to be invalid by reason only that the number of the board, at the time of the performance of such act, was less than the prescribed number

When the place of an appointed member of a district board or local board becomes vacant as aforesaid, the Lieutenant-Governor [1] may, if he thinks fit, appoint a new member to fill the place

A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may be re elected or re appointed

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[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s. 3 and Sch. D Pt I cl 4, in Vol. I pp 623 624

(Part I—Local Authorities—Chapter I—District Boards and Local Boards—Secs 20 26)

20 Every district board shall be a body corporate by the name of "the district board of [*name of district*]" and shall have perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and, subject to any rules made by the Lieutenant Governor[1] under this Act, to transfer any such property held by it, and to contract and do all other things necessary for the purposes of this Act and may sue and be sued in its corporate name Incorporation of district boards

21 The several district boards and local boards constituted under this Act shall come into existence at such time as the Lieutenant Governor [1] may by notification, fix in this behalf Time for district boards and local boards coming into existence

Chairman and Vice chairman

22 Every district board shall be presided over by a chairman who shall be appointed by the Lieutenant Governor, [1] or, should the Lieutenant Governor [1] in any case so direct, be elected by the members of such board from among their own number, subject to his approval Chairman of district board

23 Every district board shall from time to time elect one of its members to be Vice chairman Vice-chairman of district board.

24 The term of office of an appointed chairman shall be one year from the date of his appointment, but he may be re appointed on the expiration of such term Every appointed chairman shall be deemed to be a member of the board during such term Term of office of chairman and vice chairman of district board.

The term of office of an elected chairman or of a vice chairman of a district board shall be the residue of his term of office as a member of the board

25 Every local board shall be presided over by a chairman who shall be elected by the members from among their own number subject to approval by the Lieutenant Governor [1] or the local board may at a meeting attended by not less than two thirds of its members request the Lieutenant Governor [1] to appoint a chairman Chairman of local board.

If the local board fails to elect such chairman as aforesaid within a period of one month from the time prescribed for such election by any rules made by the Lieutenant Governor [1] under this Act or within such extended time as the Lieutenant Governor [1] may in his discretion allow for such election, the Lieutenant Governor [1] shall appoint such chairman

The term of office of a chairman shall be the residue of his term of office as a member of the board

26 Every local board shall from time to time elect one of its members to Vice-chair

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s. 3 and Sch. D Pt. I cl I in Vol I pp 623 624

man of local board

be vice chairman The term of office of a vice chairman shall be the residue of his term of office as a member of the board

Resignation of chairman and vice chairman of district board or local board.

27 A chairman of a district board or local board may resign by notifying in writing his intention to do so to the Lieutenant-Governor, [1] and on such resignation being accepted shall be deemed to have vacated his office A vice chairman of a district board or local board may resign by notifying in writing his intention to do so to the board, and on such resignation being accepted shall be deemed to have vacated his office

Removal of chairman and vice chairman of district board or local board

28 The Lieutenant Governor [1] may remove any chairman of a district board or local board from his office if he refuses to act, or becomes incapable of acting or is declared insolvent or is convicted of any such offence, or subjected by a Criminal Court to any such order, as in the opinion of the Lieutenant Governor [1] formed after due inquiry unfits him to be chairman or, on the application of the board, if he persistently neglects his duty as chairman

A district board or local board may remove its vice chairman from his office if he refuses to act, or becomes incapable of acting or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as in the opinion of the board, formed after due inquiry, unfits him to be a vice chairman, or if he persistently neglects his duty as vice chairman

Casual vacancies in office of chairman or of vice-chairman of district board or local board.

29 If a chairman of a district board dies, resigns, is removed or becomes incapable of acting, the Lieutenant-Governor [1] may appoint a chairman or may direct that a chairman be elected by the members of such board from among their own number, subject to his approval

If a chairman of a local board, or a vice chairman of a district board or local board, dies, resigns, is removed or becomes incapable of acting, the board shall, at a special meeting held for this purpose within the period prescribed by any rules made by the Lieutenant Governor [1] under this Act, elect one of its members to be chairman or vice chairman, as the case may be

A chairman or vice chairman elected under this section to fill a casual vacancy shall hold office for the residue of his term as member of the board

Joint Committees

Joint committees.

30 A district board may join with any other district board or with any municipal [2] or cantonment [3] authority, or with more than one such board

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch. D Pt I cl. I in Vol. I pp 623 624

[2] As to municipal authorities see the Bengal Municipal Act 1884 (Ben. Act 3 of 1884) *ante* p 3

[3] As to cantonment authorities see the Cantonments Act 1889 (13 of 1889), in General Acts 1885 90, Ed 1898 p 335

or municipal or cantonment authority, in constituting out of their respective bodies a joint committee for any purpose in which they are jointly interested and in delegating to any such joint committee any power which might be exercised by either or any of the boards or authorities concerned and may from time to time frame rules as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is constituted [1]

Conduct of Business

31 Minutes of the proceedings at each meeting of a district board or local board shall be drawn up and recorded in a book to be kept for the purpose and shall be signed by the chairman of the meeting and shall be published in such manner as the Lieutenant Governor [2] may from time to time direct and shall at all reasonable times and without charge be open to the inspection of any person resident within or owing or holding land within the jurisdiction of such board

Record and publication of proceedings

A copy of every resolution passed by a district board at a meeting shall within three days from the date of the meeting be forwarded to the Magistrate of the district for transmission to the Commissioner

Resolutions passed by district board or local board how to be treated.

A copy of every resolution passed by a local board at a meeting shall within three days from the date of the meeting be forwarded to the district board and to the Magistrate of the district

32 Every district board and every local board with the sanction of the district board may from time to time make rules as to—

Power to make rules as to business and affairs

(*a*) the time and place of its meetings the business to be transacted at meetings and the manner in which notice of meetings shall be given

(*b*) the conduct of proceedings at meetings the due record of all dissents and discussions and the adjournment of meetings

(*c*) the custody of the common seal and the purposes for which it shall be used

(*d*) the division of duties amongst its members

(*e*) the powers to be exercised by the chairman or vice chairman or by sub committees or members to whom particular duties are assigned

(*f*) the persons by whom receipts shall be granted for money received under this Act

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[1] For a similar section applying to District Boards *see* the Bengal Municipal Act 1884 (Ben. Act 3 of 1884) s. 37A *ante* p 54

[2] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl I in Vol I p 623 624

(Part I —Local Authorities —Chapter I —District Boards and Local Boards —Secs 33-36)

(*g*) the duties, appointment, leave, suspension and removal of the officers and servants of the board , and

(*h*) other similar matters ,

and may from time to time repeal or alter such rules

Rules made under this section, consistent with this Act, shall be subject to the sanction of the Lieutenant Governor, [1] and shall, if sanctioned by him, be published in such manner as he may direct , and shall have the force of law so long as they are consistent with the rules made by him under this Act

Establishments

District board may appoint establishments and fix salaries

33 Every district board, subject to the provisions hereinafter contained, may from time to time determine and appoint the establishment to be employed by it, or by any joint committee constituted under section 30, and may fix the salaries to be paid to such establishment

Provided—

(1) that no appointment, the monthly salary of which amounts to one hundred rupees or more, shall be created or abolished without the approval of the Commissioner, and that every nomination to, and dismissal from, such an appointment shall be subject to confirmation by the Commissioner ,

(2) that the aggregate salaries and allowances in any one financial year of the establishment employed by any district board for the purpose of heading (D) of Part III of this Act shall not, without the sanction of the Lieutenant Governor [1], exceed twenty *per centum* on the total amount available for expenditure by such board upon public works during the financial year ,

(3) that every district board shall conform to any rules made by the Lieutenant Governor [1] under this Act regarding the qualifications of candidates for employment

Rules regarding leave of absence and absentee allowances to officers

34 A district board may, subject to proviso (2) of the last preceding section, make, from time to time, with the approval of the Commissioner, rules as to leave of absence and absentee allowances for its establishment

Pensions and gratuities to be paid out of district fund.

35 A district board may, from time to time, with the sanction of the Lieutenant Governor, [1] makes rules for pensions and gratuities to be granted and paid out of the district fund to its establishment, and may, with the like sanction, repeal or alter such rules

Union committee may

36 Every union committee may from time to time determine and appoint

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s 3 and Sch D, Pt. I, cl. I, in Vol. I, pp 623, 624

the establishment to be employed by it, and may fix the salaries to be paid to such establishment.

Appoint establishment and fix salaries.

Provided that no appointment, the monthly salary of which amounts to ten rupees or more, shall be created without the consent of the local board to which the union committee creating such appointment is subordinate.

CHAPTER II

UNION COMMITTEES

Operation of Chapter.

37. No provision contained in this Chapter shall apply to any district, or part of a district, unless and until it has been expressly extended thereto by notification by the Lieutenant Governor. [1]

Formation of unions.

38. The Lieutenant Governor [1] may, by order in writing, constitute any village or group of villages into a union [2] and may prescribe for such union the number of members of which the union committee shall consist. Such number shall not be less than five or more than nine.

It shall be lawful for the Lieutenant Governor [1] from time to time to vary or annul such order.

Election of members of union committees.

39. Save as is hereinafter provided, such number shall be elected from among the residents of the union, in accordance with rules made by the Lieutenant Governor [1] under this Act, and shall constitute the union committee of such union.

Appointment on failure to elect.

40. If the electors of any union fail to elect the full number of members prescribed for the committee of such union, the Commissioner may appoint the remainder.

Appointment in substitution of election.

41. Notwithstanding anything in this Act contained, it shall be lawful for the Lieutenant-Governor [1] to direct, by order in writing, for reasons to be stated in such order, that any union committee shall consist, either wholly or in part, of members appointed by the Commissioner.

Term of office of members.

42. The term of office of the members of a union committee shall be two years from the date of their election or appointment, but shall include any period which may elapse between the expiration of the said two years and the date of the next subsequent election or appointment, not being an election or appointment under the next succeeding section.

At the expiration of such term such members may be re-elected or re-appointed.

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[1] Now the Local Government of Eastern Bengal and Assam, *see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3 and Sch. D, Pt. I, cl. I, in Vol. I, pp. 623, 624.

[2] For a list of Unions constituted under s. 38, *see* the Appendix on page 218, *post*.

Filling of casual vacancies.

43 When the place of an elected or appointed member of a union committee becomes vacant by the resignation or death of such member, a new member shall be elected or appointed, in the manner hereinbefore provided, and shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may be re elected or re appointed

Provided that no act of the committee or of its officers, or of the committee in meeting, shall be deemed to be invalid by reason only that the number of the committee at the time of the performance of such act was less than the prescribed number

Joint union committees.

44 Any union committee may from time to time, with the consent of the local board to which it is subordinate, as hereinafter provided, join with any other union committee or committees in constituting out of their respective bodies a joint union committee for any purpose in which they are jointly interested, and in delegating to any such joint union committee any power which might be exercised by either or any of the union committees, and may from time to time frame rules as to the proceedings of any such joint committee and as to the conduct of correspondence relating to the purpose for which the joint union committee is constituted

It shall be lawful for the local board to associate not more than two of its members with any joint union committee constituted under this section

PART II

FINANCE

GENERAL

Lieutenant Governor may direct that funds of existing local bodies shall be vested in new local authorities.

45 The Lieutenant-Governor [1] may, by notification, direct that all or any portion of the funds vested in any local body existing in [2] [any district in which this Act is in force] shall be vested in any local authority constituted under this Act, immediately upon such local authority being constituted

CHAPTER I.

District

46 A district board, on or before the day prescribed in the rules made by

the Lieutenant Governor [1] under this Act, shall hold a meeting for the purpose of fixing the rate at which the road cess [2] shall be levied in the district during the ensuing cess year

Board to fix rate of road-cess annually

Provided that the rate at which the road cess is levied when this Act comes into force in such district shall not be reduced without the sanction of the Lieutenant Governor [1]

47 Every district board shall submit to the Magistrate of the district, for transmission to the Commissioner, on or before the day prescribed in the rules made by the Lieutenant Governor [1] under this Act, —

Estimates reports and statements of district board to be submitted to Commissioner

(1) a statement of the requirements and an estimate of the probable expenditure of the district board for the ensuing financial year,
(2) a report of its proceedings,
(3) an account of its receipts and expenditure for the past financial year, and from time to time, such other reports and accounts as the Commissioner may require

The Magistrate of the district, when he is not chairman of the board, shall on or before the day prescribed in the rules made by the Lieutenant Governor [1] under this Act signify in writing to the board his approval or disapproval of the statement of requirements and estimate When he disapproves of the statement of requirements and estimate on the ground that the expenditure on salaries, works or other objects proposed therein appears to be insufficient or excessive or that any particulars contained therein appear to be erroneous, defective or improper, he shall state the nature of his objection The board shall then consider his objection and may modify the statement of requirements and estimate or signify in writing its reasons for adhering to such statement and estimate and the Magistrate of the district shall thereupon forward the statement of requirements and estimate to the Commissioner

48 The Commissioner may either approve of the estimate as it stands or approve of it after making such alterations therein as may seem to him fit or may cause it to be returned to the board for such modifications as he may think necessary, and when such modifications have been made, the estimate shall be re submitted for ratification to the Commissioner

Power of Commissioner as to estimates.

Provided that the Commissioner shall not make, and shall not require the district board to make otherwise than with its own consent, any such alterations as may have the effect of raising the total of such estimate above the total of the sum estimated to be at the disposal of the district board for expenditure during the financial year

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s. 3 and Sch. D Pt I cl. I in Vol. I pp 623 624

[2] As to the road cess, *see* the Cess Act 1880 (Ben. Act 9 of 1880) in Vol. II p. 469

Estimates may be amended or revised

49 Any estimate prepared and approved as hereinbefore provided may, with the approval of the Commissioner, be amended or revised at any time by the district board

District boards may raise loans and may form a sinking fund

50 It shall be lawful for a district board, subject to the provisions of any law [1] relating to the raising of loans by local authorities for the time being in force, from time to time to raise loans for the purpose of carrying out any of the provisions of this Act, and to guarantee the payment of interest on such loans, and to form a sinking fund

Estimates and audit of account of local boards.

51 Every local board shall submit to the district board annually, on or before such date as the district board may appoint, a statement of the requirements and an estimate of the probable expenditure of the local board for the ensuing financial year, and shall submit, as often as the district board may require, accounts of its receipts and expenditure

The district board may approve such estimate or may make such alterations therein as it thinks fit

The district board shall make arrangements, subject to the approval of the Commissioner, for the examination and audit of accounts submitted to it under this section and may direct the publication of such accounts

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CHAPTER II

The District Fund

Constitution of district fund.

52 There shall be formed for each district a fund to be called the "district fund", and there shall be placed to the credit thereof—

(1) the balance of the district road fund of the district, after payment of the expenses mentioned in section 109 [2] of the Cess Act, 1880, as amended by this Act, Ben. Act of 1880

(2) all sums levied within the district as fines, penalties or otherwise under this Act,

(3) all sums accruing within the district, under the provisions of the Cattle trespass Act, 1871, [3] from pounds which have not been transferred to any union committee under section 111 of this Act, 1 of 1871

(4) all receipts in respect of public ferries within or on the boundary of the district which have been placed under the management of the

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[1] For a list of Acts relating to loans to local authorities see para. (6) of footnote on p 37 *ante*

[2] Printed in Vol II p 504

[3] See Act 1 of 1871 s. 31 (in General Acts, 1868 76, Ed 1898 p 192) which empowers the Local Government to direct that the surplus accruing in any district under s. 18 of that Act shall be placed to the credit of a local fund.

district board under the provisions of the Bengal Ferries Act, 1885, [1]

(5) all receipts in respect of any schools, hospitals, dispensaries, railways, tramways or other buildings, institutions or works, which may have been constructed by, vested in or placed under the control and administration of a district board under Part III of this Act,

(6) all sums which may be allotted to the district board from the provincial revenues by the Lieutenant Governor [2] for any of the purposes mentioned in Part III of this Act, or for any other purpose,

(7) all sums contributed to the district board by local bodies or private persons

District fund to be vested in board

The district fund shall be vested in the district board, and the balance standing to the credit of the fund shall be kept in such custody as the Lieutenant Governor [2] from time to time directs

Application of district fund

53 The district fund shall be applicable to the following objects, and in the following order —

Firstly —To the payment of any sums which the district board may be liable to pay as interest upon loans raised by it under section 50 for the purposes of this Act, and to the formation of a sinking fund when required

Secondly —To the payment of any sums which the district board may under this Act from time to time have undertaken to pay as interest on capital expended on any works which may directly improve the means of communication within the district or between such district and other districts

Thirdly —To the payment of such percentage as the Lieutenant Governor [2] may from time to time direct towards the cost of audit, and towards the cost of establishments in any office of account or in any treasury

Provided that the total amount which any district board may be required to pay on this account shall not in any year exceed two *per centum* on the whole amount of the district fund for such year

Fourthly —To the payment of the salaries of the establishments employed by the district board for the purposes of this Act, and of any pensions and gratuities granted under section 3 and section 35 and to the payment to the Government of such percentage as the Lieutenant Governor [2] may, from time to time, direct

on the salaries of such establishments in consideration of the Government undertaking to pay the leave and pension allowances of such establishments

Fifthly – To the payment of expenses incurred by the district board in the performance of the duties imposed by this Act, and in the construction, repair and maintenance of any works which may become vested in, or be placed under the control and administration of such Board under Part III of this Act

Sixthly – To the payment, at such rates as the Lieutenant Governor [1] may direct, of the travelling expenses incurred by members of the district board in attending meetings of the board or meetings of a joint committee

Seventhly – To the payment of expenses incurred by the district board under section 80 of this Act

Eighthly – To investment in any local debenture loans issued by the Government of India or by any municipal authority or local authority, for the construction of public works which may directly improve the means of communication within the district or between such district and other districts

Provided—

(1) that no sum shall be expended from the district fund in the construction of any channel for the purposes of irrigation,

or for the purposes of drainage connected with any irrigation-works in charge of public officers,

or for the improvement or maintenance of any water channel on which tolls are levied, when no portion of the proceeds of such tolls is paid into the district fund,

(2) that no part of the district fund shall be applied to the construction, repair or maintenance of any road within any municipality which has been, or may hereafter be, constituted under the Bengal Municipal Act, 1884 [2] unless such road shall have been expressly excluded from the operation of the said Act under section 30 thereof Ben. Act of 1884

Accounts of district fund how to be kept and published

54 Account books of the district fund shall be kept by an officer to be appointed by the district board

An account showing the receipts and expenditure during the quarter arranged under the proper heads and duly balanced, shall be prepared immediately after the close of each quarter and published in such manner as the Lieutenant Governor [1] directs, and any person resident in or owning or holding land in the district may at all reasonable times inspect any such account without payment of a fee

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905) s. 3 and Sch D, Pt I, cl I in Vol I, pp 623 621

[2] Printed *ante*, p 30

(Part II —Finance —Chapter II —The District Fund —Chapter III —The Union Fund —Secs 55 57)

A similar account showing the income of the district fund under each head of receipts, the charges of establishment, the works undertaken, the sums expended on each work, and the balance, if any, of the fund remaining un spent at the end of the year, shall be prepared for each financial year as soon as possible after its close, and shall be open to inspection as aforesaid

55 Every district board shall appoint a finance committee consisting of so many members as it thinks fit Finance committee

It shall be the duty of such committee to prepare the statements esti mates and accounts required for submission under section 47, and generally to superintend all matters connected with the finances and accounts of the district board Its duties

The finance committee shall at all times, when required so to do, produce its accounts for audit by any officer who may be appointed by the Lieutenant-Governor [1] in that behalf

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CHAPTER III

THE UNION FUND

56 There shall be formed for each union a fund to be called the "union fund," and there shall be placed to the credit thereof— Constitution of union fund

(1) all sums accruing within the union under the Cattle trespass Act, 1871 [2]

(2) all sums assigned thereto by the Lieutenant Governor [1] or district board, whether as a contribution towards the cost of making village roads or otherwise

(3) all other sums received by the union committee in the execution of this Act

The union fund shall be vested in the union committee, and the balance standing to the credit of the fund shall be kept in such custody as the Lieutenant Governor [1] from time to time directs Union fund to be vested in union committee

57 The union fund shall be applicable to the following objects, and in the following order — Application of union fund

(1) to the payment of establishments employed and expenses incurred, by the union committee for the purposes of this Act,

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the Bengal and Assam 23 621 192), which empowers under s 18 of that

(*Part II —Finance —Chapter III —The Union Fund —Part III —Duties and Powers of Local Authorities —Chapter I —Duties and Powers of District Boards —Secs* 58 60)

(2) to the payment of the expenses incurred by the union committee in respect of the duties imposed and powers conferred, upon it under Part III of this Act and of any expenses that may be incurred through its default in carrying out any of such duties

Account of union fund how to be kept and published.

58 Account books of the union fund shall be kept by an officer to be appointed by the union committee

An account showing the receipts and expenditure during the quarter, arranged under the proper heads and duly balanced, shall be prepared immediately after the close of each quarter and published in such manner as the Lieutenant Governor [1] directs, and any person resident in or owning or holding land in the union may at all reasonable times inspect any such account without payment of a fee

A similar account showing the income of the union fund under each head of receipt, the charges of establishment the works undertaken, the sums expended on each work, and the balance, if any, of the fund remaining unspent at the end of the year, shall be prepared for each financial year as soon as possible after its close and shall be open to inspection as aforesaid

Copies of the quarterly and yearly accounts shall be submitted to the local board to which such union committee is subordinate

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PART III

DUTIES AND POWERS OF LOCAL AUTHORITIES

CHAPTER I

DUTIES AND POWERS OF DISTRICT BOARDS

Operation of provisions included under headings A to D

59 The provisions included under the headings A to D (both inclusive) of this Chapter shall be in force as regards every district board, unless and until the Lieutenant Governor [1] shall otherwise direct

Operation of provisions included under headings E to I

60 No provision included under the headings E to I (both inclusive) of this Chapter shall apply to any district board, unless and until it has been expressly extended thereto by notification by the Lieutenant Governor [1]

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D, Pt. I, cl. I in Vol I, pp 623 624

A —Pounds

61 Every district board shall exercise such powers in regard to the establishment, maintenance and management of pounds as may be transferred to it by order notified under Act 18 of 1883 [1] Powers of district board in respect of pounds

B —Education

62 Subject to any rules made by the Lieutenant Governor [2] under this Act, every district board shall be charged with, and be responsible for, the maintenance and management of all primary and middle schools under public management within the district, the construction and repair of all buildings connected therewith, the appointment (subject to the provisions of section 33) of all masters and assistant masters thereof, and the payment of the salaries of such masters and assistant masters Primary and middle schools under public management

Provided that nothing contained in this section shall be held to apply to schools for the education of Europeans and Eurasians

63 Subject to any rules made by the Lieutenant Governor [2] under this Act, a district board may with its own consent be charged with, and made responsible for, the maintenance and management of any other schools or class of schools within the district Other schools.

64 It shall be lawful for the Lieutenant Governor [2] to declare that the maintenance and management of any High English school under public management, situated within a town which has been or may hereafter be constituted a municipality under the Bengal Municipal Act, 1884, [3] shall be entrusted to a joint committee, consisting partly of members delegated by the commissioners of such municipality and partly of members delegated by such district boards as may be named in the order High English schools

Every order issued under this section shall specify the number of members to be delegated, and the proportion of the cost of maintenance of the school to be provided, by each of the local authorities and the municipal authority named therein

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[1] Act 18 of 1883 was repealed by the Cattle trespass Act (1871) Amendment Act 1891 (1 of 1891) s 10 which declared that orders which had been made and notified under the Act [illegible] mencement of Act 1871 (1 [illegible] or the Dis[illegible] General Acts [illegible] l and Assam [illegible] 4

Every joint committee appointed under this section shall, in respect of any such school, have the same powers and be subject to the same liabilities as are by this heading conferred and imposed on district boards

Primary schools under private management.

65 It shall be lawful for the Lieutenant Governor [1] from time to time to transfer to a district board such funds as he may deem necessary for expenditure on the improvement of primary schools within the district under private management And subject to any rules made by the Lieutenant Governor [1] under this Act, the board shall be charged with and be responsible for, the proper distribution of such funds

C —Medical

District board to have control and administration of public charitable dispensaries or hospitals within the district

66 It shall be lawful for the Lieutenant Governor [1] from time to time to direct by notification that any public charitable dispensary or hospital within a district shall be under the control and administration of the district board And the district board shall thereupon be charged with the control and administration thereof and the construction and repair of all buildings connected therewith

The Lieutenant Governor [1] may at any time vary or annul any order made under this section

District board may establish and maintain dispensaries and hospitals.

67 A district board may provide, for the use of the inhabitants of the district dispensaries hospitals or temporary places for the reception of the sick and for that purpose may—

itself build such dispensaries hospitals or places of reception , or

contract for the use of any such dispensary, hospital or place of reception, or of any part thereof , or

enter into any agreement with any person having the management of any hospital for the reception of the sick inhabitants of the district on payment of such annual or other sum as may be agreed on

Two or more district boards may combine to establish dispensaries and hospitals

68 Two or more district boards may, with the approval of the Commissioner or Commissioners combine in providing a common dispensary, hospital or place for the reception of the sick, and with the like approval fix the proportions of the cost thereof to be borne by them respectively

District board may contribute to cost of maintenance of dispensary or hospital outside the district

69 A district board may with the approval of the Commissioner, contribute such annual or other sum as may be agreed on towards the cost of the maintenance of any dispensary or hospital which is situated outside the district but is habitually used by the inhabitants of the district

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 190) s 3 and Sch D Pt I cl I in Vol. I pp 623 624

70 A district board may, with the approval of the Commissioner, provide, or contract with any person to provide, a temporary supply of medicine and medical assistance for the poorer inhabitants of the district

Power to provide temporary supply of medicine and medical assistance

71 Every district board, in exercising powers vested in it by the five last preceding sections, shall conform to any rules made by the Lieutenant Governor [1] under this Act

District board to conform to rules made by Lieutenant Governor

72 It shall be the duty of the district board to submit such returns of births and deaths [2] as the Magistrate of the district may from time to time require in respect of all areas to which the provisions of Part I Chapter II, have been extended

District board to submit return of births and deaths to Magistrate

D —Public Works

73 From and after the establishment of a district board in any district, all roads, bridges, channels buildings and other property, movable or immovable, held by, or under the control and administration of, the district road committee or any branch committee in such district for the purposes of the Cess Act, 1880, [3] shall, for the purposes of this Act, be under the control and administration of such district board

Transfer to district boards of roads and other property of district road committee

Provided that all village roads within the limits of any union established in the said district shall be under the control and administration of the union committee

Village roads excepted.

74 It shall be lawful for the Lieutenant Governor [1] from time to time to direct that any road bridge channel building or other property, movable or immovable, which is vested in Government and which is situated within a district shall, with the consent of the district board of such district, and subject to such exceptions and conditions as the Lieutenant Governor [1] may make and impose, be placed under the control and administration of the district board for the purposes of this Act, and thereupon such road, bridge, channel, building or other property shall be under the control and administration of the district board, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same

Government may place other property under district board.

75 Every road, building or other work constructed by a district board from the district fund shall be vested in the district board by which it has been constructed

Works constructed by district board to be vested in it

—*see* the Bengal and Assam
I pp 623 624
Bengal Births and Deaths

District board may, with consent of owners, take over and repair works

76. A district board may agree with the person in whom the property in any road, bridge, tank, ghât, well, channel or drain is vested to take over the property therein, and after such agreement may declare, by notice in writing put up thereon or near thereto, that such road, bridge, tank, ghât, well, channel or drain has been transferred to the district board

Thereupon the property therein shall be vested in the district board, and such road, bridge, tank, ghât, well, channel or drain shall thenceforth be repaired and maintained out of the district fund

District board to submit schedules of public works.

77. Every district board shall, at such times and in such form as the Commissioner may direct, submit a schedule of all public works subject to the control of, or vested in, such district board

District board to repair and maintain works

78 It shall be the duty of every district board to provide for the repair and maintenance of roads bridges, water channels and other works for directly improving communications which have been taken charge of by the district board under this Act, or towards which it may have agreed to contribute, and for the construction of new roads, bridges, water channels and other means of communication

Miscellaneous improvements

79 It shall be lawful for a district board to take measures for, or to contribute towards,

the construction, repair and maintenance of any works which may directly improve the means of communication within the district or between the district and other districts,

the planting of trees by the roadside, and

the construction and maintenance of any means and appliances for improving the supply of drinking water, or for providing or improving drainage

District board may construct and maintain railways or tramways

80 It shall be lawful for a district board, with the sanction of the Lieutenant Governor, [1] either singly or in combination with any municipal authority or any other local authority, to construct and maintain within, or partly within and partly without, its own district, a railway or tramway under the provisions of any law[2] for governing the construction of railways or tramways for the time being in force in Bengal,[3] and to do all lawful acts which may be necessary in that behalf

District board may subscribe to debenture loan to con

81. It shall be lawful for a district board, with the sanction of the Lieutenant Governor, [1] to subscribe to any debenture loan raised by the Government of India or by any municipal authority or local authority for the con-

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s 3 and Sch D, Pt. I, cl I, in Vol. I, pp 623 624

[2] As to railways, *see* the Indian Railways Act, 1890 (9 of 1890), in General Acts, 1885 90, Ed 1898, p 410 As to tramways, *see* the Bengal Tramways Act, 1883 (Ben Act 3 of 1883), *ante*, p 6

[3] This includes Eastern Bengal.

struction or maintenance of any railway or tramway which in the opinion of such district board is likely to be of direct benefit to the district

struct and maintain railways or tramways

82 It shall be lawful for the district board with the sanction of the Lieutenant Governor [1] from time to time to guarantee the payment from the district fund of such sums as it shall think fit as interest on capital expended on any railways tramways or other works which may directly improve the means of communication within the district or between the district and other districts

District boards may guarantee interest on capital expended on works of communication

83 It shall be lawful for a district board from time to time to undertake on behalf of the Government and upon such conditions as may be agreed upon the construction repair and maintenance of any public building or other work which is the property of the Government

Provided that the cost of such construction repair or maintenance shall be defrayed by the Government

District boards may undertake construction repair and maintenance of Government buildings

84 Subject to the provisions of section 33 and to any rules made by the Lieutenant Governor [1] under this Act every district board shall appoint a properly qualified person to be its engineer and such and so many subordinate officers under his orders as it may think necessary

District board to appoint engineer and his subordinates

85 It shall be the duty of the district engineer to prepare all plans designs specifications and estimates which the district board may require to carry out such works as it may direct and to conform generally to all rules that may be made by the district board under section 32 or by the Lieutenant Governor [1] under section 138

Duties of district engineer

86 The powers of the district board under sections 78 and 79 shall be subject to any rules made by the Lieutenant Governor [1] under this Act regarding the submission for approval of plans designs specifications and estimates

Powers of boards under sections 78 and 79 to be subject to rules for approval of plans

E —Sanitation

87 It shall be the duty of every district board subject to any rules made by the Lieutenant Governor [1] under this Act to provide so far as may be possible for the proper sanitation of its district and to incur such expenses or undertake such liabilities as may be necessary in that behalf

District board to provide for sanitation

88 A district board may with the approval of and subject to such limits of cost as shall be imposed by the Commissioner provide any place within its district with a proper and sufficient supply of water and for this purpose may—

General powers for supplying district with water

(1) construct repair and maintain water works wells or tanks and do any other necessary acts

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl I in Vol I pp 603 604

(2) take on lease or hire any water works and purchase any water-works, or any water, or right to take or convey water, either with in or without its district, and

(3) contract with any person for a supply of water

Public streams channels water courses tanks reservoirs springs and wells to be under control of district board

89 All streams, channels, water courses, tanks, reservoirs, springs and wells situated within the district, and not being private property or under the control of any officer of the Government, shall, for the purposes of this Act, be under the control and administration of the district board

District board may set apart tanks parts of rivers streams or channels for drinking and culinary purposes

90 The district board may by an order duly published at such places and in such manner as it may deem fit, set apart convenient tanks, parts of rivers, streams or channels situated within the district, and not being private property or under the control of any officer of the Government, for the supply of water for drinking and for culinary purposes, and, from the date of publication of such order, such tanks, parts of rivers, streams or channels shall be held to be public springs or reservoirs

District board to appoint sanitary inspector

91 It shall be lawful for a district board to appoint a properly qualified person to be its sanitary inspector, and, subject to the provisions of section 33, fix the salary of such sanitary inspector, and the details of the establishment subordinate to him

F —Vaccination

District board to have supervision of vaccinators within their districts

92 Every district board shall, within its district, be charged with the appointment, payment, management and supervision of all public vaccinators

District board to appoint inspectors of vaccination

93 Every district board shall appoint a properly qualified person to be inspector of vaccination within its district, and shall, subject to the provisions of section 33 fix the salary to be paid to such person

Every inspector of vaccination appointed under this section shall, within the district, exercise the powers and perform the duties assigned to the Superintendent of Vaccination under the Bengal Vaccination Act, 1880 [1] Ben. 1880

District board to have powers of Magistrate in district to which the Vaccination Act extends

94 In every district to which the Bengal Vaccination Act, 1880, [1] has been, or may hereafter be, extended, the district board shall have the powers of the Magistrate of the district under section 25 of the said Act

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[1] Printed in Vol. II, p 414

(Part III.—Duties and Powers of Local Authorities.—Chapter I.—Duties and Powers of District Boards.—Secs. 95-100.)

95. The Commissioner may, with the sanction of the Lieutenant Governor,[1] make rules, consistent with this Act and with the Bengal Vaccination Act, 1880,[2] for the guidance of every district board in the exercise of the powers conferred under the three last preceding sections, and may from time to time, with the like sanction, repeal or alter such rules.

Commissioner to make rules for guidance of district boards.

96. The four last preceding sections, so far as is consistent with the tenor thereof shall be read with, and form a part of the Bengal Vaccination Act, 1880.[2]

Act to be read with the Bengal Vaccination Act.

G.—Census.

97. It shall be lawful for the Commissioner, with the sanction of the Lieutenant Governor,[1] at any time to require a district board to take an account *of the number of persons who, at the time of taking such account, shall be* within the district of such district board:

Commissioner may direct district board to take a census.

Provided that no part of the cost incurred in taking such account shall be charged upon, or be defrayed out of, the district fund.

98. Every district board which shall be required to take an account under the last preceding section shall, in taking such account conform to any rules made by the Lieutenant Governor[1] under this Act, and to the provisions of any Act, for the time being in force for regulating the taking of a census.

Powers for taking census.

H.—Famine relief.

99. It shall be lawful for a district board, subject to such limit of expenditure as may be prescribed by the Commissioner, to take such measures as it thinks fit for the relief of famine within its district, and for that purpose to—

District board may take relief measures in case of famine.

(1) open and maintain such relief works as may be necessary;

(2) open and maintain such temporary hospitals, poor houses, orphanages and places for the gratuitous distribution of food as may be necessary;

(3) employ such extra medical or other assistance as may be necessary.

I.—Miscellaneous.

100. It shall be lawful for a district board with the approval of the Commissioner and subject to any rules made by the Lieutenant Governor[1] under this Act to—

Miscellaneous powers of district board.

(1) establish and maintain, at such places within its district as it thinks fit, staging bungalows and seráis for the use of travellers, and charge such fees for the use of such bungalows and seráis as it thinks fit.

Staging bungalows and seráis.

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3 and Sch. D, Pt. I, cl. I, in Vol. I, pp. 623-624.
[2] Printed in Vol. II, p. 414.

Provided that such fees shall in no case exceed the amount prescribed by the Commissioner,

Rewards for destruction of noxious animals. (2) offer rewards, upon such scale as may be approved by the Commissioner, for the destruction of noxious animals within the district,

Fairs and exhibitions. (3) hold, within its district, from time to time, fairs and exhibitions of cattle, country produce and agricultural implements, or local manufactures, and incur such expenditure and charge such fees in connection therewith as may, from time to time, be approved by the Commissioner,

Works not otherwise provided for. (4) undertake and carry out any other local work likely to promote the health, comfort or convenience of the public, and not otherwise provided for by this Act.

CHAPTER II

Duties and Powers of Local Boards

Duties of local boards. **101.** The Lieutenant-Governor,[1] or, subject to his control, a district board, may direct that within the area subject to the authority of a local board, any matter placed under the control and administration of the district board under this Act shall be wholly or partly transferred to the control and administration of the local board, with adequate funds for the purposes of such control and administration.

A local board, as the agent of, and subject to the control of, the district board, shall, so far as the funds at its disposal permit, make due provision for all matters transferred to its control and administration under this section.

It shall be the duty of the district board to enforce the responsibility imposed on a local board by this section.

Limits on expenditure of local board. **102.** Except as otherwise provided by this Act, a local board shall not incur expenses or undertake liabilities, to any amount exceeding the limit imposed by the district board.

Local board to supervise and control union committees. **103.** A local board shall exercise powers of supervision and control over all union committees within the area under its authority, and it shall be the duty of the local board to procure and submit, in such form as the district board may prescribe, all such reports, returns and statistics as the district board may from time to time require.

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[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3 and Sch. D, Pt. I, cl. I, in Vol. I, pp. 623-624.

CHAPTER III

Duties and Powers of Union Committees

104 A union committee as the agent of, and subject to the control of, the local board, shall, within the union have the control and administration of, and be responsible for, all matters specified in this Chapter, except such of those matters as the local board may think fit, to take under its direct control and administration

Union committee to be subordinate to local board

105 Every union committee shall submit annually to the local board, on or before such date as the local board may appoint an estimate of the probable expenditure of the committee for the ensuing financial year, and an account of its receipts and expenditure for the past financial year, and shall also submit any other reports which the local board may from time to time require

Union committee to submit reports estimates and accounts to local board

106 A union committee shall not incur expenses or undertake liabilities to any amount exceeding the limit imposed by the local board

Limits on expenditure of union committee

107 Every union committee shall within such time as the local board may direct, forward to such local board a schedule of all village roads within the union

Such schedule shall state the length and width of the roads, the number description and dimensions of bridges, and such other particulars as the local board may require

Union committee to send schedule of roads to local boards

108 All village roads within a union and the stones and other materials thereof and also all erections materials implements and other things provided for such roads shall be placed under the control and administration of the union committee

Village roads placed under control and administration of union committee

109 A union committee shall so far as the union fund permits from time to time cause the village roads to be maintained and repaired and may do all things necessary for such purpose, and may—

Maintenance and repair of village roads

(*a*) lay out and make new village roads,

(*b*) build and construct new bridges,

(*c*) turn divert discontinue or stop up any village road and

(*d*) widen open, enlarge or otherwise improve any such road

110 The local board may, with the consent of a union committee, delegate to such committee the management of so much of any road under the management of the local board as may be situated within such union, and such union committee shall thereupon do all things necessary for the maintenance and repair of the portion of road so assigned to it, and shall be responsible to the local board in that behalf

Local board may delegate management of portions of district roads to union committee

Powers of union committee in respect of pounds

111 Every union committee shall exercise such powers in regard to the establishment, maintenance and management of pounds as may be transferred to it by order notified under Act 18 of 1883 [1]

Primary schools

112 Subject to any rules made by the Lieutenant Governor[2] under this Act, every union committee shall be charged with, and be responsible for, the maintenance and management of all primary schools within the union, the appointment (subject to section 36) of the gurus of such schools, and the transmission to such gurus of any rewards that may be granted by the district board or local board

Dispensaries

113 Subject to any rules made by the Lieutenant Governor[2] under this Act a union committee may, with its own consent, be charged with, and made responsible for the maintenance, management and visiting of any dispensary within the union

Registration of vital statistics

114 Every union committee shall provide for the registration of births and deaths[3] within the union, and shall submit such returns as the local board may direct

Sanitation

115 Every union committee shall provide as far as possible, for the sanitation of the union and shall make special arrangements for the sanitation of fairs and melas

Drains and other conservancy works under control of union committee

116 All drains and other conservancy works within the union, which are not under the control of any other authority, shall be under the control of the union committee

Local board may delegate execution of works of improvement to union committee

117 The local board may, with the consent of a union committee, delegate to such committee the execution of any work of sanitation, drainage or water supply affecting the union

Union committee may cleanse or repair public tanks

118 A union committee may cleanse or repair any public tank, stream, well or drain within the union, and charge the cost of such cleansing or repairing, which shall in no case exceed a sum of one hundred rupees, to the union fund, or, if such fund be not sufficient may levy such cost from persons

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[illegible] Act, 1891 [illegible] under the Act [illegible] commencement [illegible] Act, 1871

As to the transfer to local authorities of functions of the Local Government or the District Magistrate under the Cattle trespass Act 1871, see s 31 of that Act in General Acts 1867-76 Ed 1898 p 192.

[illegible] and Assam [illegible] the Registra[illegible]

resident within the union in the manner provided for the levying of the chaukidari tax under the Bengal Village chaukidari Acts of 1870[1] and 1871[2] or any other Act for the time being in force

119 Any public tank, stream or well which the union committee may have cleansed or repaired under the last preceding section shall remain under the control and administration of the union committee, and the union committee may, by an order duly published in the village or villages in which such public tank, stream or well is situated, set apart the same for the supply of water for drinking and culinary purposes

Tanks streams or wells so cleansed or repaired to remain under control of union committees

PART IV

CONTROL

120 It shall be the duty of the Lieutenant Governor, [3] and of all Commissioners and Magistrates of districts acting under the orders of the Lieutenant Governor, [3] to see that the proceedings of local authorities are in conformity with law and with the rules in force thereunder The Lieutenant Governor[3] may by order in writing, annul any proceeding which he considers not to be in conformity with law and with the said rules, and may do all things necessary to secure such conformity

Powers of Lieutenant Governor and of Commissioners and of Magistrates of districts with respect to proceedings of local authorities

121 Every local authority shall at all times permit the Commissioner or the Magistrate of the district to have access to all its books proceedings and records

Records to be open for inspection of Commissioner or of Magistrate of district

122 The Commissioner or the Magistrate of the district shall have power at all times to enter on and inspect, or cause to be entered on and inspected any immovable property occupied by or any work in progress under the orders of, or any institution controlled by, a local authority

Power of Commissioner or of Magistrate to inspect works

123 It shall be lawful for the Lieutenant Governor[3] to appoint an officer to be inspector of local works in each Commissioner's division, or in more than one such division, and to sanction an establishment for such officer

It shall be the duty of the inspector of local works to inspect and advise with regard to all public works under construction or repair vested in, or in charge of, any local authority within the division

Appointment of inspector of local works and duties to be performed by him

[1] Printed in Vol II p 101
[2] Printed in Vol II p 124
[3] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905) s. 3 and Sch D Pt I cl I in Vol I pp 623 624

The inspector of local works shall also perform such duties and exercise such powers as may be assigned to him by any rules made by the Lieutenant Governor[1] under this Act

The inspector of local works may at all times enter upon, or cause to be entered upon any immovable property belonging to any local authority in the division, or any work in progress under its direction, and may require it to furnish such statements, estimates and reports as he thinks fit A report of every inspection shall be prepared and a copy thereof forwarded to the district board concerned through the Magistrate of the district

In all matters of professional detail the local authority shall be guided by the report of the inspector of local works

Power to suspend action of local authorities by Magistrate of district and Commissioner

124 The Magistrate of the district, or the Commissioner, may, by order in writing, suspend the execution of any order or resolution of a local authority within the jurisdiction of such Magistrate or Commissioner or the doing of any act which is about to be done or is being done by such local authority, if in his opinion the execution of the resolution or order or the doing of the act is likely to cause injury or annoyance to the public, or to any class or body of persons, or to lead to a breach of the peace

Power to provide for performance of duties in case of default by district board

125 When the Commissioner is informed, on complaint made or otherwise, that a district board has made default in performing any duty imposed on it by or under this Act the Commissioner if satisfied, after due inquiry, that such district board has made default as alleged, may, by order in writing fix a period for the performance of that duty

If that duty is not performed within the period so fixed, the Commissioner may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the district board

If the expense and remuneration are not so paid, the Commissioner may make an order directing the person having the custody of the balance of the district fund to pay the expense and remuneration, or as much thereof as is possible, from that balance and such person shall make payment accordingly.

Extraordinary powers in case of emergency

126 In case of emergency the Magistrate of the district may provide for the execution of any work or the doing of any act, which a local authority is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the Act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the district board

If the expense and remuneration are not so paid, the Magistrate may make an order directing the person having the custody of the balance of the

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch. D Pt. I, cl I in Vol I pp 623 624

district fund to pay the expense and remuneration, or as much thereof as is possible, from that balance , and such person shall make payment accordingly.

127. When the Magistrate of the district makes any order under sections 124 or 126, he shall forthwith submit to the Commissioner a copy of the order, with a statement of his reasons for making it, and with any explanation which the local authority concerned may wish to offer, and the Commissioner may thereupon confirm, modify or rescind the order

Magistrate's order under sections 124 and 126 to be reported to Commissioner, who may confirm, modify or rescind it

128 In every case under the last preceding section in which the Commissioner confirms or modifies any order he shall forthwith submit to the Lieutenant Governor[1] a copy of the proceedings, and the Lieutenant Governor [1] may thereupon confirm, modify or rescind the order of the Commissioner

Commissioner's proceedings to be submitted to Lieutenant Governor for final orders

129 When the Commissioner makes any order under section 124 or 125, he shall forthwith submit to the Lieutenant-Governor [1] a copy of the order, with a statement of his reasons for making it, and with any explanation which the local authority concerned may wish to offer, and the Lieutenant-Governor [1] may thereupon confirm, modify or rescind the order

Commissioner's orders under sections 124 and 125 to be submitted to Lieutenant Governor

130 All powers conferred upon Commissioners and Magistrates of districts in regard to district boards by sections 124 and 126 shall be exercised in respect of a union committee by the local board, and in respect of a local board by the district board

Powers and duties of Commissioner and Magistrate of district transferred to district board and local board.

When a local board makes any order under this section, it shall forthwith submit to the district board a copy of the order with a statement of its reasons for making it, and with any explanation which the union committee concerned may wish to offer The district board may thereupon confirm, modify or rescind the order

When a district board makes any order under this section it shall forthwith submit to the Magistrate of the district, for submission to the Commissioner, a copy of the order, with a statement of its reasons for making it, and with any explanation which the local board may wish to offer If the Commissioner is dissatisfied with the order, he may report the matter to the Lieutenant Governor [1] who may thereupon confirm, modify or rescind the order

131 If a district board or local board is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this or any other Act, or exceeds or abuses its powers, the Lieutenant Governor [1] may, by notification, specifying the reason for so doing, supersede such district board or local board for a period to be specified in such notification

Power of Lieutenant Governor to supersede district board or local board in case of incompetency or wilful neglect of duty

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s. 3 and Sch D Pt I cl. I, in Vol. I pp 623 624

Consequence of supersession

132 When a district board or local board is superseded under the last preceding section, the following consequences shall ensue —

(*a*) all members constituting the district board or local board shall from the date of the notification vacate their offices as such members,

(*b*) all powers and duties of the district board or local board may, until such district board or local board is re constituted be exercised and performed by such person or persons as the Lieutenant Governor[1] may from time to time appoint in that behalf,

(*c*) when a district board is superseded all property vested in it shall pending the re constitution of the board be vested in the Lieutenant Governor [1]

On the expiration of the period of supersession specified in the notification, the board shall be re established and the persons who vacated their offices under clause (*a*) shall be eligible for appointment or election

Nevertheless it shall be lawful for the Lieutenant Governor[1] to direct that a local board re established under this section shall consist entirely of appointed members although such local board may have been established in a district mentioned in the third schedule of this Act

Disputes between two or more union committees to be referred to local board

133 If a dispute arises between two or more union committees within the area under the authority of a local board, the matter shall be referred to the local board, and the decision of such local board upon the matter so referred shall be final and binding

Disputes between two or more union committees under the authority of different local boards to be referred to district board when local boards cannot agree

134 If a dispute arises between two or more union committees within the areas under the authority of different local boards, the matter shall be referred to the local boards, and, if the local boards cannot agree, to the district board, and the decision of such local boards or district board, as the case may be, upon the matter so referred, shall be final and binding

Disputes between two or more local boards to be referred to district board.

135 If a dispute arises between two or more local boards within the area under the authority of a district board the matter shall be referred to the district board and the decision of such district board upon the matter so referred shall be final and binding

Disputes between municipal authorities and local authorities in the same

136 If a dispute arises between a municipal authority or authorities and a local authority or authorities within the same district, the matter shall be referred to the Magistrate of the district and the decision of the Magistrate upon the matter so referred shall be final and binding •

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s 3, and Sch D Pt I cl I in Vol I pp 623 624

Provided that, if the Magistrate is a member of one of the authorities concerned, his functions under this section shall be discharged by the Commissioner

district to be referred to Magistrate of district

137 If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more local authorities, or between a local authority or authorities, and a municipal authority or authorities, the matter shall be referred—

Decision of disputes not otherwise provided for

(*a*) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts, and

(*b*) to the Lieutenant Governor [1] if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree

And the decision of the Commissioner or Commissioners or of the Lieutenant Governor,[1] as the case may be, upon the matter so referred shall be final and binding

138 It shall be lawful for the Lieutenant Governor[1] to make rules,[2] consistent with this Act, for any district board or local board or union committee for the purposes of—

Power of Lieutenant Governor to make rules

(*a*) determining the mode and time of appointment or election of members of boards and committees, the term of office, and the qualifications and disqualifications of such members, and the qualifications and disqualifications and the registration of voters and candidates, and generally for regulating all elections under this Act,

(*b*) regulating the conduct of proceedings of boards and committees, including the manner in which the notices of a meeting shall be given, the fixing of a quorum, the due record of proceedings and the language in which business shall be transacted

(*c*) fixing the time within which a chairman or vice chairman may be elected,

(*d*) regulating the powers of district boards to transfer property,

(*e*) regulating the powers of boards and committees to contract and do other things necessary for the purposes of their constitution and the mode of executing contracts,

(*f*) determining the immediate[3] offices, if any, through which correspondence between boards and committees, or members of boards and committees and the Lieutenant Governor[1] or his officers shall pass

(*g*) prescribing the qualifications of candidates for employment under section 33

La [illegible] —see the Bengal and Assam

[illegible] I pp 623, 624

[illegible] 178 *ante*

(*h*) prescribing the times for holding meetings and for submitting statements, estimates, reports or accounts, under sections 46 and 47,

(*i*) prescribing forms for statements, estimates and accounts and regulating the keeping, checking and publication of such accounts and the manner of periodical audit under sections 54 and 55,

(*j*) regulating the maintenance and management of schools under sections 62, 63 and 64, the construction and repair of buildings connected therewith, and the appointment of masters and assistant masters, and the proper distribution of funds transferred to district boards under section 65,

(*k*) regulating the control and administration of dispensaries hospitals and places of reception for the sick, the construction and repair of buildings connected therewith, and the supply of medicines and medical assistance for the poorer inhabitants of the district

(*l*) prescribing the procedure to be adopted in the appointment of the engineer to the district board under section 84, and regulating the performance and exercise of the duties and powers of such engineer and of the inspector of local works under sections 85 and 123, respectively

(*m*) regulating the submission for approval of plans, designs, specifications and estimates under section 86,

(*n*) regulating the duties and powers of district boards in regard to sanitation

(*o*) regulating the duties of district boards in regard to taking a census,

(*p*) regulating the establishment and maintenance of staging bungalows and serais the holding of fairs and exhibitions, the offer of rewards for the destruction of noxious animals, and the carrying out of any other work likely to promote the health, comfort or convenience of the public,

(*q*) regulating the powers of union committees in regard to primary schools and dispensaries under sections 112 and 113,

(*r*) providing for the appointment and payment of auditors of the accounts of boards and committees,

(*s*) affording guidance to district boards when suits or other proceedings are threatened or have been instituted by or against them in Civil Courts, and

(*t*) generally determining the relations between district boards, local boards and union committees, and for the guidance of boards and committees and Government officers in all matters connected with the carrying out of the provisions of this Act,

and may from time to time repeal or alter such rules

Rules made under this section shall be published in such manner as the Lieutenant-Governor[1] may direct, and shall thereupon have the force of law,

and no rules under clause (*a*) shall come into operation until three months after they have been published as aforesaid

By laws [2]

139 Every district board or local board, empowered in this behalf by the Lieutenant Governor,[1] may make by laws for carrying out all or any of the purposes of this Act — Power of district board and local board to make by laws

By laws made under this section shall have the force of law when confirmed by the Lieutenant Governor[1] and published in such manner and for such time as the Lieutenant Governor[1] may direct

140 In making a by law under the last preceding section, [1] a board may provide that a breach of the same shall be punished with fine which may extend to fifty rupees, and in the case of a continuing breach with a further fine which may extend to five rupees for every day during which the breach is continued after the offender has been convicted of such breach — Penalty for infringement of by laws

141. Prosecutions under this Act for breach of by laws may be instituted by any board, or by any person authorized by the board in this behalf — Prosecutions

A Judge or Magistrate shall not be deemed to be, within the meaning of section 555 of the Code of Criminal Procedure,[3] a party to, or personally interested in, any case under this section merely because he is a member of the board

Miscellaneous Provisions

142 No person shall be liable for the loss, waste or misapplication of any money or other property belonging to the district board or union committee, unless such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a union committee, local board or district board, and a suit for compensation for the same may be instituted against him, in such Court as the Lieutenant Governor[1] directs, by the district board with the sanction of the Lieutenant-Governor[1] or by the Secretary of State for India in Council — Liability of members of boards and union committees

143 The Lieutenant Governor,[1] before making any rules under section 138, and a district board or local board before making any by laws under section 139, shall publish in such manner as the Lieutenant-Governor[1] — Procedure for making rules and by laws

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[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s. 3 and Sch. D Pt. I cl I in Vol. I pp 623 624

p 178 *ante*

Code of Criminal Procedure

be made to s 556 of the

9 p 382.

deems sufficient for giving information to persons interested the proposed rules or by laws together with a notice specifying a date on or after which the same will be taken into consideration and shall before making such rules or by laws receive and consider any objection or suggestion which may be made by any person with respect to the same before the date so specified

Every such rule or by law shall be published in the Calcutta Gazette [1] in English and in such other language as the Lieutenant Governor[2] directs and such publication shall be evidence that the rule or by law has been made as required by this section

Penalty on member officer or servant being interested in contracts made with a local authority

144 If any member of a local authority or any officer or servant maintained by or employed under a local authority has directly or indirectly any share or interest in any work done by order of the local authority of which he is a member or by which he is maintained or under which he is employed or in any contract with or under such local authority he shall be liable on conviction before a Criminal Court to a fine which may extend to five hundred rupees

Provided that the penalty herein prescribed shall not be deemed to apply by reason only of a person—

(*a*) having a share in any joint stock company which shall contract with or be employed by or on behalf of the local authority or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the local authority may be inserted or

(*c*) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the local authority

Nevertheless it shall not be lawful for a person having any share or interest such as is described in clauses (*a*) and (*b*) to act as a member of the local authority in any matter relating to a contract or agreement between the local authority and such company or the manager or publisher of such newspaper

Power to make compensation out of the local fund

145 Every local authority may make compensation out of the district or union funds respectively to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act

No action to be brought against the members of boards and committees or

146 No suit shall be brought against the members of any district board local board or union committee or any of their officers or any person acting under their direction for anything done under this Act until the expiration of one month next after notice in writing has been delivered or left at the office of such board or committee and also (if the suit is intended to be brought

(7 of 1905)

1 and Assam

against any officer of the said board or committee or any person acting under their direction) at the place of abode of the person against whom such suit is intended to be brought stating the cause of action and the name and place of abode of the person who intends to bring the suit

their officers until after one month s notice of cause of action

and unless such notice be proved, the Court shall find for the defendant

Every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards

If any such person to whom any such notice is given shall before suit is brought, tender sufficient amends to the plaintiff such plaintiff shall not recover

(*The First and Second Schedules*)

THE FIRST SCHEDULE.

(*see section* 2)

REPEAL OF ENACTMENT.

Number and year	Subject	Extent of repeal.
Bengal Act 9 of 1880 [1]	To amend and consolidate the law relating to rating for the construction, charges and maintenance of district communications and works of public utility and of provincial public works	Sections 110 to 181, both inclusive Section 182, clauses (*a*), (*b*), (*c*), (*e*), (*g*) and (*h*)

THE SECOND SCHEDULE

(*see section* 2)

AMENDMENT OF ENACTMENT

Number and year	Subject	Extent of amendment
Bengal Act 9 of 1880 [1]	To amend and consolidate the law relating to rating for the construction, charges and maintenance of district communications and works of public utility and of provincial public works	In section 4, the following definitions shall be substituted for the definition of "the committee" "District Board" and "District Fund" [*Printed in Vol II, p* 472] In section 9, the words "and, together with other assets of such fund, shall be applied to the purposes mentioned in section [2] [109]" shall be omitted The following section shall be substituted for section 38 :— [*Printed in Vol II, p* 483] In section 40, omit the words "as provided in section 155" In sections 82 and 83, the words "District Road Funds" and "District Road Fund" shall be substituted for the words "Committees" and "Committee" respectively In section 98, the words "District Road Fund" shall be substituted for the words "District Road Committee" In section 108, the words "and of all sums whatsoever which may be at the disposal of the District Road Committee as hereinafter appointed" shall be omitted. The following new section shall be substituted for section 109 :— [*Printed in Vol II, p* 504]

[1] The Cess Act, 1880 It is printed in Vol II, p. 469

[2] The figures "109" were substituted for the figures "111" by the Repealing and Amending Act, 1903 (1 of 1903), Sch. II—*see* Vol. I, p. 620

THE THIRD SCHEDULE

(see sections 6 and 9) [1]

Districts in every Sub division of which a Local Board shall be established

District	District
[*24 Parganas*	[*Midnapore*
Nadia	*Bankura*
Murshidabad	*Birbhum*]
Jessore	Dacca
Khulna	Faridpur
Hooghly	Rajshahi
Howrah	Pabna[2]
Burdwan]	[*Patna*]

15 printed *ante*, pp 182 and 183
nt by notification to add the name
district of Mymensingh has been so
Gazette 1889 Pt I B p 191

APPENDIX.—*List* [1] *of Unions in Eastern Bengal constituted by notification under section* 38 *of the Bengal Local Self-government Act of* 1885

1	2	3	4
District	Unions	Number and date of notification	Gazette in which published.
Noakhali	Fenny Hatiya Lakhmipur Sandip	No 61-T M, dated 27th April, 1896	Calcutta Gazette, 1896, Pt IB, p 83.
Tippera	Akhaura	No 7600 F, dated 26th July, 1906	E B and A. Gazette, 1906, Pt II, p 761
	Laksham Matlab Nabinagar Sarail	No 938 L.S G dated 8th March, 1895	Calcutta Gazette, 1895, Pt IB, p 52

[1] This list has been corrected up to the 2nd November, 1907

BENGAL ACT 1 OF 1886

[THE BENGAL VILLAGE-CHAUKIDARI (AMENDMENT) ACT, 1886] [1]

[*2nd June*, 1886]

An Act to further amend the Village-chaukidari Act, 1870 [2]

WHEREAS it is expedient to further amend the Village chaukidari Act, 1870[2], It is enacted as follows — Preamble

PRELIMINARY

1. This Act shall be read with, and taken as part of, Bengal Act 6 of 1870, [2] as amended by Bengal Act 1 of 1871.[3] Extent

And it shall come into force in all districts to which Bengal Act 6 of 1870,[2] as amended by Bengal Act 1 of 1871,[3] has been extended * * * [4]. Commencement

2. [*New section substituted for section 3*] *Rep by the Repealing and Amending Act*, 1897 (5 of 1897)

3 For section 6 the following shall be substituted — New section substituted for section 6

6 [Printed in Vol II, p 107]

4 In section 8, for the words "fifteen days" shall be substituted the words "thirty days," and for the words "two years" shall be substituted the words "three years" Amendment of section 8

5 For section 9 the following shall be substituted — New section substituted for section 9

9 [Printed in Vol II, p 108]

6 After section 9 the following shall be inserted — New sections to follow section 9

9A, 9B [Printed in Vol II, p 108]

1903

1886
ouncil

gulation 1900 (1 of
1900), s 4 (2) printed in Vol I p [illegible] and
in the Lushai Hills by notification—*see* Table D in Appendix II to this Volume

[2] Printed in Vol II p 101

[3] Printed in Vol. II p 124

[4] The words "from the date on which it may be published in the Calcutta Gazette with the assent of the Governor General" which were repealed by the Repealing and Amending Act, 1903 (1 of 1903) are omitted

(*Secs* 7-13)

Amendment of section 22.

7 In section 22, for the words "six *per cent*" shall be substituted the words "ten *per cent*"

8 [*Amendment of section* 39] *Rep by the Repealing and Amending Act*, 1897 (5 *of* 1897)

Amendment of section 41.

9 In section 41, after the words "such member shall himself report the same" and before the words "to such officer" shall be inserted the following —

"or cause the same to be reported"

New section substituted for section 43

10 For section 43 the following shall be substituted —

43 [Printed in Vol II, p 114]

New section substituted for section 44

11. For section 44 the following shall be substituted —

44 [Printed in Vol II, p 115]

Amendment of section 45

12 In section 45 for the words "shall issue his warrant" shall be substituted the words "may issue his warrant" and at the end of the section the following shall be added —

[Printed in Vol II, p 115]

New sections to follow section 46

13 After section 46 the following shall be inserted —

46A [*Superseded by the Bengal Village chaukidari (Amendment) Act*, 1892 (*Ben Act* I *of* 1892), *s* 17, printed *post*, p 288]

46B [Printed in Vol II, p 116]

BENGAL ACT 3 OF 1886

[THE BENGAL MUNICIPAL (AMENDMENT) ACT, 1886] [1]

[6th October, 1886]

An Act to amend * * * [2]Act 3 (B C) of 1884

WHEREAS it is expedient to amend * * *[2] Bengal Act 3 of 1884, It is enacted as follows —

1 [*Commencement of Act*] *Rep by the Repealing and Amending Act* 1903 (1 *of* 1903)

2 For * * * [2] section 251 of Bengal Act 3 of 1884 the following shall be substituted — New section substituted for section 251 of Ben Act 3 of 1884

[Printed *ante*, p 114]

3 After * * * [2] section 251 of Bengal Act 3 of 1884 the following sections shall be inserted — New sections to follow section 251 of Ben. Act 3 of 1884

A to D [Printed *ante*, pp 114 115]

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[1] SHORT TITLE —This short title was given by the Repealing and Amending Act 1903 (1 of 1903) Sch I—*see* Vol I p 608

LEGISLATIVE PAPERS —For Bill *see* Calcutta Gazette 1886 Pt. IV p. 129 for Proceedings in Council, *see ibid* Supplt pp. 1865 1907

BENGAL ACT 1 OF 1887

(THE CALCUTTA SURVEY ACT 1887)

CONTENTS

PREAMBLE

order survey and appoint Superintendent

notification in the Calcutta Gazette,[1] that a survey shall be made of the land situated in the town of Calcutta,[2] *and for such purpose may appoint* a Superintendent of Survey, and one or more Assistant Superintendents of Survey

The Assistant Superintendents of Survey shall exercise such powers as may be delegated to them by the Superintendent

Superintendent may enter upon land

4 The Superintendent of Survey shall, *for the purposes of this Act*, have power, either by himself or by an Assistant Superintendent of Survey or by other officers employed in the survey, to enter, between the hours of sunrise and sunset, upon any land or premises within the local limits aforesaid, without being liable to any legal proceedings whatsoever on account of such entry *or of* anything done on such land *or* premises in pursuance of this Act

Provided that no such entry shall be made upon lands or premises which may be occupied at the time unless with the consent of the occupier thereof or without previously giving the said occupier twenty four hours' notice of the intention to do so

Superintendent to give notice before entering on land

5 Before entering on any land or premises for the purposes of survey, the Superintendent may cause a notice in writing under his hand to be served on the owner of the land or premises about to be surveyed, and on the owners of conterminous lands or premises, calling upon them to attend either personally or by agent on such land or premises before him or *before such officer as may* be authorized by him in that behalf, within a specified time (which shall not be less than three days after the service of such notice) for the purpose of pointing out boundaries and of affording such information as may be needed for the purposes of this Act, and every person on whom such notice may be served shall be legally bound to attend as required by the notice, and to give any information which may be required so far as he may be able to give it

Persons summoned failing to appear are bound by the survey

6 If after due service of notice under the last preceding section, any person fails to appear without showing sufficient cause to the satisfaction of the Superintendent, the Superintendent, or such officer as may be authorized by him may proceed with the survey, and the person who is so absent shall be bound by the results of the survey in the same manner and to the same extent as if the survey were made in his presence

In case of dispute Assistant Superintendent to hold an inquiry

7 If in the course of survey it shall come to the notice of the Superintendent that a dispute exists as to any boundaries which should be surveyed, the Superintendent shall cause an inquiry to be held by an Assistant Superintendent, as hereinafter provided, for the purpose of determining such boundaries

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[illegible] Act 1905 (7 of 1905).
[illegible] the Local Extent [illegible]

(*Secs* 8 12)

8 When any dispute exists as to any boundaries, the Assistant Superintendent who may be authorized by the Superintendent in this behalf shall cause a notice in writing under his hand to be served on the parties concerned requiring them to appear before him, in person or by an authorized agent, on a specified day, and to produce evidence of possession of the land in dispute

Procedure in case of dispute as to boundaries

The Assistant Superintendent shall on the specified day, or on such other day to which the hearing may be adjourned, hear the parties, receive the evidence produced by them respectively, consider the effect of such evidence, take such further evidence as he may think necessary, and, without reference to the merits of the claim of any of such parties to a right to possess the land in dispute, decide which of the parties is in possession of the said land at the time of the survey

9 For the purposes of the inquiry aforesaid the Assistant Superintendent shall have power to summon and enforce the attendance of witnesses and compel the production of documents by the same means and in the same manner as if provided in the case of a Court under the Code of Civil Procedure [1]

Power of Assistant Superintendent to enforce attendance of witnesses

10 After the inquiry has been completed, the Assistant Superintendent shall pass an order in writing defining clearly the subject of dispute, and shall record his decision, and the reasons for such decision

After inquiry, Assistant Superintendent to record his decision.

11. An appeal shall lie from any order passed by an Assistant Superintendent under the last preceding section to the Board of Revenue, [2] or to such other authority as the Local Government [3] may, by notification in the Calcutta Gazette, [4] appoint in this behalf, if preferred within thirty days from the date of such order

An appeal shall lie to the Board of Revenue

12 In every case of disputed boundaries the Assistant Superintendent authorized to hold the inquiry may, on the written application of the parties, refer the dispute to one or more arbitrators nominated by the parties respectively, and shall fix such time, and allow such extension of time, as may seem reasonable for the delivery of the award

Power to refer to arbitration.

Provided that, if it appears to the Assistant Superintendent that the Local Government [3] or the Corporation of Calcutta [5] is interested in any such dispute, he shall appoint, in the former case, the Collector or Deputy

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82) Chap XIV in General Acts 1892 84

ue of Eastern Bengal and Assam and in
of delegation is made) the same Board—*see*
3 4 (2) and Sch D Pt. I, cl. III, in Vol. I

Assam—*see* the Bengal and Assam
Vol. I pp. [illegible]
Assam Laws Act. 1905 (7 of 1905),

Assam, *see* the "Local Extent"

Collector of Calcutta,[1] and, in the latter case the Chairman, Vice Chairman or Surveyor of the Corporation,[1] one of the arbitrators, unless the parties agree to such officer being appointed sole arbitrator

On failure of an arbitrator to act another may be appointed

13 Where an arbitrator nominated by a party refuses to act or becomes incapable of acting by reason of death or other sufficient cause, the party by whom he was nominated may, by a written application to the Assistant Superintendent, nominate another arbitrator, and, on being satisfied that the application has been made on sufficient grounds, he shall confirm such nomination, and the arbitrator so appointed may thereupon proceed with the inquiry

Appointment of an umpire

14 If the arbitrators differ, the award shall be in accordance with the opinion of the majority, if they are equally divided in opinion, it shall be competent to them or to the Assistant Superintendent, on the written application of the arbitrators or of the parties to the arbitration, to appoint an umpire, and the decision of the umpire determining the boundaries in dispute shall have the force of an award of the arbitrators

Power to enforce attendance of witnesses in an arbitration.

15 The Assistant Superintendent shall, on the application of the arbitrators or umpire, issue the same processes to parties and witnesses as he may issue in inquiries held by himself.

On failure to make an award, Assistant Superintendent may supersede the arbitration.

16 If the arbitrators or the umpire appointed under the preceding sections fail to deliver the award within the time allowed by the Assistant Superintendent, he may make an order superseding the arbitration, and in such case he shall proceed with the inquiry

The award

17. The award shall be made in writing, and shall be signed by the persons making it, and shall be filed in the office of the Superintendent, with any evidence which may have been taken by the arbitrators or the umpire

The Superintendent shall lay down the boundaries in accordance with the award

Superintendent may erect boundary marks

18 The Superintendent may at any time cause to be erected, on any land which is to be, or has been, surveyed under this Act, temporary or permanent boundary marks of such materials and in such number and manner as he may determine to be sufficient

Maintenance of temporary boundary marks

19 When any temporary boundary mark has been erected under the last preceding section, the Superintendent may cause a notice in writing under his hand to be served on the owner or person in occupation of the land or premises whereon, or adjoining which, such boundary mark is situate, requiring him to maintain and keep in repair such boundary mark till the survey has been completed

[1] As to the application of this Act in Eastern Bengal and Assam *see* the Local Extent footnote on p. 223 *ante*

All documents connected with the survey to be sent to the Municipal office

20 After the survey of any part of the town has been completed, the Superintendent shall deposit all maps field books proceedings awards and all other documents connected with the survey of such part in the Municipal office of the Corporation of Calcutta [1]

Any person interested in the survey may at any time within two months from the date of such deposit which date shall be notified in the Calcutta Gazette [2] inspect such documents free of charge

And if during such period any objection to the survey be lodged with the Superintendent such objection shall be decided by the Superintendent or by such officer as the Local Government[3] may appoint in this behalf

Approval of the survey by the Local Government to be notified

21 After all objections lodged under the last preceding section have been decided the Local Government[3] shall if it approves the survey signify such approval by notification in the Calcutta Gazette [2]

No suit shall lie unless brought within one year

22 No suit shall lie to set aside any demarcation of boundaries made under the provisions of this Act unless brought within one year from the date of the notification mentioned in the last preceding section

Local Government may make rules under the Act

23 The Local Government[3] may lay down rules not being inconsistent with this Act to provide for the preparation of maps and for the collection and record of any information in respect of any land to be surveyed under this Act and generally for the proper performance of all things to be done and for the regulation of all proceedings to be taken under this Act

How notices may be served

24 Every notice in and by this Act required to be served on any person may be served—

(a) by delivering the same to the person to whom it is directed or on failure of such service by posting the same on some conspicuous part of the house in which the said person usually resides or holds his office or carries on his business or by delivering the same to an agent or servant of such person or to a male adult member of his family and by fixing a copy on some conspicuous part of the land or premises to which it relates or

(b) by sending a registered cover through the post office containing such notice directed to the said person at the place where he resides

Provided that after the publication of the notification referred to in section 21 no survey made under this Act shall be vitiated for any defect in the service of notice

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[1] As to the application of this Act in Eastern Bengal and Assam see the Local Extent footnote on p. ? 3 *ante*

[2] Now the E. B and A Gazette—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch. D Pt I cl. VII in Vol. I pp. 6?3 ?2.

[3] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s. 3 and Sch. D Pt I cl. I in Vol. I pp 623 6?4

(*Secs* 25, 26)

Penalty for failure to comply with requisition in notice

25 Whoever fails to comply with a requisition contained in any notice duly served under section 5 or section 8 of this Act shall be liable to a fine not exceeding one hundred rupees

Proceedings not to be affected by informality

26 No proceedings under this Act shall be affected by reason of any informality, provided the directions of this Act be in substance and effect complied with and no proceedings under this Act shall be affected by reason of the omission to serve any notice on an owner whose name is not registered as owner in the Calcutta Collectorate [1] or in the registers of the Corporation of the town of Calcutta [1]

27. [*Power to extend this Act to the Suburbs of Calcutta*] *Omitted, as being inapplicable to Eastern Bengal or Assam*

[1] As to the application of this Act in Eastern Bengal and Assam *see* the "Local Extent" footnote on p 223 *ante*

BENGAL ACT 2 OF 1887

[THE BENGAL VACCINATION (AMENDMENT) ACT, 1887] [1]

[9th March, 1887.

An Act to amend Bengal Act 5 of 1880 [2]

WHEREAS it is expedient to amend the Bengal Vaccination Act, 1880 ,[2] It is enacted as follows — Preamble

Preliminary

1. This Act shall be read with, and taken as part of, the Bengal Vaccination Act, 1880 [2] Construction of Act.

[*Commencement*] *Rep by the Repealing and Amending Act*, 1897 (5 *of* 1897)

2 In this Act, unless there be something repugnant in the subject or context,— Interpretation.

"vessel" includes anything made for the conveyance by water of human beings or of property "Vessel."

Vaccination of Children

3. In section 3, immediately before the last paragraph, the following shall be inserted — Amendment of section 3

[Printed in Vol II, p 416]

[3] [The Schedule hereto annexed shall be annexed as the First Schedule to the Bengal Vaccination Act, 1890]

4 For the first paragraph of section 4 the following shall be substituted — Amendment of section 4.

[Printed in Vol II, p 417]

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[1] SHORT TITLE —This short title was given by the Repealing and Amending Act, 1903 (1 of 1903), Sch I—*see* Vol I, p 608

LEGISLATIVE PAPERS.—For Statement of Objects and Reasons *see* Calcutta Gazette, 1886, Pt IV, p 11, and for Proceedings in Council *see ibid*, Supplt, pp 141 187, 493, 630 and 740

LOCAL EXTENT —Since this Act is (*see* s 1) to be read with and taken as part of the [illegible] s the latter [illegible] by virtue [illegible] —*see* Table [illegible] 1900 (1 of [illegible] ime

[3] This paragraph was added by the Amending Act, 1897 (5 of 1897) Sch II—*see* Vol I, p 510

Vaccination of Persons on board Vessels

5. (*Amendment of section* 13.)
6. (*New section to follow section* 13.)
7. (*Amendment of section* 28.)

} *Omitted, as being inapplicable to Eastern Bengal or Assam.*

New sections to follow section 29.

8. After section 29 the following sections shall be inserted:—

29A, 29B. [Printed in Vol. II, p. 423.]

THE FIRST SCHEDULE

[Printed in Vol. II, p. 424.]

BENGAL ACT 4 OF 1887

(THE CHITTAGONG PORT COMMISSIONERS ACT, 1887)

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BENGAL ACT 4 OF 1887 [1]

(THE CHITTAGONG PORT COMMISSIONERS ACT, 1887)

[25th *May*, 1887.

An Act to appoint Commissioners for the Port of Chittagong.

Preamble

WHEREAS it is expedient to provide for the management of the affairs of the Port of Chittagong and for that purpose to appoint Commissioners, It is hereby enacted as follows —

CHAPTER I

PRELIMINARY

Short title

1 This Act may be called the Chittagong Port Commissioners Act, 1887.

Commencement

And it shall come into force on such date [2] as the Local Government may by notification direct

Interpretation.

2 In this Act unless there be something repugnant in the subject or context,—

"High water mark."

"high water mark" means a line drawn through the highest points reached by ordinary spring tides at any season of the year

"Land."

"land" includes the bed of the river below high water mark, and also things attached to the earth or permanently fastened to anything attached to the earth

"Low water-mark."

"low water mark" means the lowest point reached by ordinary ebb spring tides at any season of the year

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[1] LEGISLATIVE PAPERS —For Statement of Objects and Reasons, *see* Calcutta Gazette 1886, Pt IV, p 138 and for Proceedings in Council *see ibid*, Suplt, pp 2482 2532, *ibid*, 1887, Supplt, pp 496, 537 and 542

POWERS, ETC, OF LOCAL AUTHORITIES —Port Commissioners are "Local Authorities"—*see*—

(a) the General Clauses Act, 1897 (10 of 1897), s 3, cl (28) in General Acts, 1891 98, Ed

SEA CUSTOMS ACT —The Sea Customs Act, 1878 (8 of 1878) does not affect the present Act—*see* s 207 of the former Act in General Acts, 1877 81, Ed 1898, p. 237

For power of Customs Collector to permit the discharge of cargo for landing at a landing place or wharf belonging to Port Commissioners, *see* the Customs Act, 1878 (8 of 1878) s 85, in General Acts, 1877 81, Ed 1898, p 190

[2] This Act came into force on the 25th April 1888—*see* Calcutta Gazette, 1888 Pt I, p 344

death resignation or disqualification of such Commissioner shall be filled up within one month

by the Local Government [1] if the office vacated was that of a Commissioner appointed by the Local Government [1] or

by the body bodies or firms for the time being invested by the Local Government [1] with the power of electing Commissioners under this Act if it was that of an elected Commissioner

in the same manner and subject as far as may be to the same provisions as are applicable in the case of original appointments and elections of Commissioners

Provided that the Commissioner so appointed or elected shall retain his office so long only as the vacating Commissioner would have retained it if such vacancy had not occurred

Chairman and Vice Chairman

10 The Local Government [1] may from time to time appoint one of the Commissioners to be Chairman and another of the Commissioners to be Vice Chairman and may cancel such appointment

Such Chairman and Vice Chairman respectively shall receive such remuneration if any as the Local Government [1] may from time to time determine

Leave of absence and leave allowances to the Vice Chairman

[2] 10A (1) The Local Government [1] may—

(*a*) grant such leave of absence and such leave allowances to the Vice Chairman as it thinks fit and

(*b*) appoint another of the Commissioners to act for the Vice Chairman during his absence on leave and assign to him such acting allowance as it thinks fit

(2) Any Commissioner appointed under sub section (1) to act for the Vice Chairman shall while so acting have all the powers and perform all the duties of the Vice Chairman under this Act

(3) A temporary vacancy in the office of a Commissioner occasioned by the absence on leave of the Vice Chairman shall if and when necessary be filled up by election or appointment in the manner hereinbefore provided in section 9

Provided that the person so elected or appointed shall vacate his office upon the expiry of the leave of absence granted to the Vice Chairman

Appointments and elections to be notified

11 The names of all persons appointed or elected under sections 5 6 and 9 shall be notified in the Calcutta Gazette [3]

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[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s. 3 and Sch D Pt. I cl I in Vol I pp 623 624

[2] S 10A was inserted by the Chittagong Port Commissioners (Amendment) Act 1903 (Ben Act 4 of 1903) s. 2 *post* p 435

[3] Now the E B and A Gazette—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt. I cl VII in Vol I pp 623 625

CHAPTER III

POWERS AND DUTIES OF COMMISSIONERS

Power to hold property

12 With the previous sanction of the Local Government, [1] the Commissioners may acquire and hold movable or immovable property within or without the limits of the port, and, with the same sanction, may lease, mortgage, sell or exchange such property

Transfer of Government property to Commissioners.

13 The property specified in the first schedule of this Act shall be vested in the Commissioners

Provided that—

(*a*) no buildings or other permanent structures shall be erected thereon, except with the sanction of, and in accordance with plans to be previously approved by the Local Government, [1]

(*b*) any portion of such property required by Government for a public purpose may be resumed by Government without claim to compensation on the part of the Commissioners except for buildings or other permanent structures erected thereon with the sanction of the Local Government [1] subsequently to the date on which this Act comes into force

(*c*) if any question arises between the Government and the Commissioners as to the boundaries of any portion of such land the Local Government [1] may define and demarcate such boundaries and the decision of the Local Government [1] in respect to such boundaries shall be final

Acquisition of land.

14 When any land is required for the purposes of this Act, the Local Government [1] may, on the request of the Commissioners proceed to acquire it under the provisions of the Land Acquisition Act, 1870, [2] and on payment by the Commissioners of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Commissioners

Property to be in trust

15 All property vested in, or acquired or held by, and all moneys paid or payable to, the Commissioners shall be held and applied by them in trust for the purposes of this Act

Works to be constructed

16 The works to be constructed and carried out by the Commissioners may include the following —

(*a*) wharves, quays, stages, jetties and piers, with all necessary and

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—see the Bengal and Assam pp. 623 624

d Acquisition Act 1894 (1 of

ter Act—see s 2(3) of that

convenient drains arches, landing places, stairs fences and approaches ,

(*b*) tramways, warehouses, sheds, engines and other appliances for conveying, receiving and storing goods and merchandize landed or to be shipped ,

(*c*) laying down moorings and erecting cranes scales and all other necessary appliances for loading and unloading vessels ,

(*d*) reclaiming enclosing and raising any part of the bank or bed of the river within the limits of the port ,

(*e*) the construction and application of dredges and other machines for cleansing deepening and improving the bed of the river within the limits of the port ,

(*f*) procuring and employing steam vessels for towing vessels into, out of in or upon the river of the port ,

(*g*) such works without the limits of the port as shall be necessary for the protection of works executed under this Act ,

(*h*) the excavation and maintenance of the Moheshkhali channel or any other navigable channel communicating therewith which may hereafter be placed under the management of the Commissioners by the Local Government [1] by notification ,

(*i*) all such other works and appliances as may, in the opinion of the Commissioners, be necessary for carrying out the provisions of this Act

Power to make port-rules

17. With the previous sanction of the Local Government, [1] the Commissioners may make rules, consistent with this Act and with the Indian Ports Act, 1875, [2] for any of the following purposes — 12 of 18

(*a*) for regulating declaring and defining the wharves, quays, stages, jetties and piers on and from which goods shall be landed from and shipped in vessels within the port ,

(*b*) for the safe and convenient use of such wharves, quays, stages, jetties, piers and of landing places, tramways, warehouses sheds and other works in and adjoining them ,

(*c*) for regulating the reception and removal of goods within and from the premises of the Commissioners, and for declaring the procedure to be followed in taking charge of goods which may have been damaged before landing or may be alleged to be so damaged ,

(*d*) for the mode of payment of tolls, charges, dues and rates levied under this Act

(*Chapter III —Powers and Duties of Commissioners —Secs* 18 21)

(*e*) for providing water for ships and for licensing and regulating water-boats within the port,

(*f*) for the removal of wrecks from the port or the river and keeping clean the port, the river, the bank of the river, and the works of the Commissioners, and for preventing filth or rubbish being thrown therein or thereon,

(*g*) for otherwise carrying out the purposes of this Act

and may from time to time, with the like sanction, repeal or alter such rules

Such rules when sanctioned, shall be published in such manner as the Local Government[1] may direct, and shall thereupon have the force of law

18 Within the limits of the port pilots in charge of vessels shall obey all lawful orders issued to them by the Commissioners in respect to such vessels **Control of pilots within the port**

19 The Commissioners shall make a sufficient number of landing places within the port from and upon which the public may be permitted to embark and land free of charge **Free public landing places**

20 The Commissioners may occupy or remove or alter any bathing place or landing place within the port, and prohibit the public from resorting to or using such bathing place or landing place **Removal of bathing and landing places.**

Provided that the Commissioners shall provide for the use of the public such other bathing places or landing places if any, as the Local Government [1] may, by notification, direct

21 For the expeditious and convenient landing and shipment of goods from and in sea going vessels within the port, and for the storing of such goods, the Commissioners may provide and maintain sufficient wharves, quays stages jetties, piers warehouses and sheds, and sufficient servants and appliances, and may by their servants land and ship all goods from and in any such vessel coming to such wharf, quay, stage, jetty or pier, except where there is a lawful excuse for refusing to land or ship such goods, or such vessel is under any enactment for the time being in force not entitled to have her cargo shipped or discharged **Appliances for the convenient shipment and landing of goods in and from sea going vessels.**

Provided that—

(*a*) the Commissioners shall not be bound to land, ship or move any single article or package exceeding ten tons of twenty hundred weight in weight, except at such special charge as may be agreed on in respect of such article or package,

(*b*) the Commissioners may, by special agreement with the masters of vessels or the owners of goods permit goods to be landed and shipped by others than the servants of the Commissioners

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[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt. I cl 1 in Vol. I p. 623 [illegible]

See going vessels compelled to use wharves, etc.

22. When any wharf, quay, stage, jetty or pier has been made and completed with sufficient warehouses, sheds and appliances for landing and shipping, or for landing or shipping, goods from and in sea-going vessels, the Commissioners may, with the previous sanction of the Local Government, [1] by a notification published in three consecutive numbers of the Calcutta Gazette, [2] declare that such wharf, quay, stage, jetty or pier is ready for receiving, landing and shipping, or for landing or for shipping, as the case may be, goods from and in sea-going vessels.

From and after such publication the Commissioners may from time to time, when there is room at such wharf, quay, stage, jetty or pier, order to come alongside of such wharf, quay, stage, jetty or pier, for the purpose of landing and shipping goods, or for landing or for shipping the same, as the case may be, any sea-going vessel within the port which has not commenced to discharge cargo, or which, being about to take in cargo has not commenced to take in cargo.

If accommodation sufficient, all sea-going vessels compelled to use wharves, etc.

23. When a sufficient number of wharves, quays, stages, jetties, piers, warehouses, sheds and appliances have been provided as aforesaid, the Commissioners may, with the previous sanction of the Local Government, [1] by an order published in three consecutive numbers of the Calcutta Gazette, [2] direct that no goods shall be landed or shipped from or in sea-going vessels within the port, save at such wharves, quays, stages, jetties and piers.

The Commissioners may in like manner, with the like sanction, alter, vary or revoke such order.

Inland vessel compelled to use wharves, etc.

24. When any wharf, quay, stage, jetty or pier for receiving, landing or shipping goods from or in vessels, not being sea-going vessels, has been made and completed by the Commissioners, with sufficient warehouses, sheds and appliances in that behalf, the Commissioners may, with the sanction of the Local Government, [1] by an order published in three consecutive numbers of the Calcutta Gazette, [2] declare that such wharf, quay, stage, jetty or pier is ready for receiving, landing and shipping goods from or in vessels, not being sea-going vessels and that, within certain prescribed limits within the port to be specified in such order, it shall not be lawful to land or ship any goods from or in any vessel, not being a sea-going vessel, of any class specified in such order except at such wharf, quay, stage, jetty or pier, or for any such vessel while within such limits to anchor, fasten or lie within fifty yards of low-water mark without the consent of the Commissioners.

If after such publication any such vessel, while within such limits, so anchors, fastens or lies, the Commissioners may cause the same to be removed out of the said limits.

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[1] Now the Local Government of E[illegible] Bengal and Assam Laws Act [illegible]

[2] Nc[illegible]5 (7 of 1905), s. 3, and Sch.

(Chapter III —Powers and Duties of Commissioners —Secs 25 28)

The Commissioners may in like manner, with the like sanction, alter, vary or revoke any such order

Power to order removal of vessels from wharves, etc

25 The Commissioners may, by notice in writing, order the master or owner of any vessel to remove such vessel from any wharf, quay, stage, jetty or pier belonging to the Commissioners, and, unless such vessel is removed therefrom within thirty six hours after service of such notice on the master or owner thereof, the Commissioners may charge in respect of such vessel such sum as they think fit not exceeding one hundred rupees for each day of twenty four hours or portion of such day after the expiry of such thirty-six hours during which such vessel remains at such wharf, quay, stage, jetty or pier

Power to exempt from obligation to use wharves etc

26 Notwithstanding anything contained in sections 22, 23 and 24, the Local Government [1] may, by notification, from time to time permit certain specified vessels or classes of vessels, to discharge, or ship cargo, or certain specified cargo or classes of cargo, at such part of the port, in such manner, during such period, subject to such payments and on such conditions as the Local Government[1] may think fit, and otherwise grant exemption from the provisions of such sections

The Local Government [1] may also, by like notification, cancel or modify any such notification

Discharge of liability on goods landed.

27 Whenever any goods are landed by the Commissioners from any vessel, the Commissioners shall, if so required, give to the master of such vessel a receipt in the form set forth, or to the effect set forth in the second schedule of this Act, and may in any such receipt include all goods landed from such vessel during one day

Provided that no master or owner of a vessel from which the goods in respect of which such receipt is given may have been landed, shall be liable for any loss or damage to such goods which may occur after they have been so landed

Wharves, etc to be appointed under Customs Acts.

28 When the Local Government[1] appoints, under the provisions of any Act [2] for the regulation of duties of customs, any wharf, quay, stage, jetty, pier, warehouse or shed provided under this Act for the use of sea going vessels to be a wharf for the landing or shipping, or a warehouse for the storing of goods within the meaning of such Act, the Commissioners shall set apart, maintain and secure on or in such wharf, quay, stage, jetty, pier warehouse or shed such portion thereof or place therein or adjoining thereto, for the use of the Officers of Customs as the Local Government [1] approves of or appoints in that behalf

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[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s. 3 and Sch D Pt I cl I in Vol. I pp. 623 624

[2] *See* the Sea Customs Act 1878 (8 of 1878) in General Acts, 1877-81, Ed. 1898 p. 168.

Dues at Customs wharves, etc

29 Notwithstanding that any wharf, quay, stage, jetty, pier, warehouse or shed or portion thereof, has, under the provisions of the last foregoing section, been set apart for the use of the Officers of Customs, all dues, rates, tolls, charges and rents payable under this Act in respect thereof, or for the use thereof, or for the stowage of goods therein, shall be paid and be payable to the Commissioners or to such persons as they may appoint to receive such dues, rates, tolls, charges or rents

Private wharves etc prohibited

30 Save as is hereinafter provided no person except the Commissioners shall, after the date on which this Act comes into force, make, erect or fix below high water mark within the port any wharf, dock, quay, stage, jetty, pier, erection or mooring

Any matter or thing so made, erected or fixed may be removed by the Commissioners, and the person who has so made, erected or fixed any such matter or thing shall be punished with fine which may extend to one thousand rupees, and with a further fine which may extend to one hundred rupees for every day during which such matter or thing has been permitted to remain so made, erected or fixed after notice to remove it has been given to him, and shall also be liable to pay all expenses which may have been incurred by the Commissioners in removing such matter or thing

Power to permit erection of private wharves etc, within the port subject to conditions

31 The Commissioners may, by an order in writing and subject to the conditions contained in the same permit any person to make, erect or fix below high water mark within the port any wharf, dock, quay, stage, jetty, pier, erection or mooring

Wharves etc beyond port limits.

32 In case any wharf, dock, quay, stage, jetty, pier, erection or mooring is, after the date on which this Act comes into force, without the consent in writing of the Commissioners, made erected or fixed below high water mark without the limits for the time being of the port, and thereafter the limits of the port are extended so as to include the place in which such wharf, dock, quay stage jetty, pier, erection or mooring has been made, erected or fixed the Commissioners may remove, fill up or destroy such wharf, dock, quay, stage, jetty, pier erection or mooring without making any compensation therefor

Scale of tolls and charges to be framed

33 The Commissioners shall frame—

(*a*) a scale of tolls, dues, rates and charges for the landing and shipment of goods from and in sea going vessels and vessels not being sea going vessels, respectively, at the wharves, quays, stages, jetties and piers, and for the use of such wharves, quays, stages, jetties and piers by such vessels, and for the storing and keeping of any goods stored in any premises belonging to the Commissioners, and for the removal of goods, and for the use of any mooring ,

(*b*) a scale of tolls for the use of the said wharves, quays, moorings, stages, jetties and piers by any such vessels, in case the Commissioners permit the goods to be landed or shipped by others than their own servants,

(*c*) a scale of charges for any services to be performed by the Commissioners or their servants in respect of any vessels or goods, or for the use of any works or appliances to be provided by the Commissioners

Such scale shall be submitted to the Local Government [1], and, after approval or modification by the Local Government [1], shall be published by the Commissioners in the Calcutta Gazette [2]

The Commissioners may from time to time in like manner, with the like approval or modification and publication, alter such scales

Every such scale shall be printed in the English and Bengali languages and characters, and shall be hung up, and kept hung up, in some conspicuous place at the several wharves, quays, stages, jetties, piers, warehouses and sheds

Power to impose river due and to raise rate thereof

[3]33A (1) The Commissioners may, with the previous sanction of the Local Government,[1] by notification, impose a river due on all goods landed from or shipped into any sea going vessel lying or being within the limits of the port, whether such goods shall or shall not be so landed or shipped at any wharf, quay, stage, jetty or pier belonging to the Commissioners

(2) The rate of the said due shall not exceed four annas nor be less than one anna for each ton of goods

(3) Subject to the limits enacted by the foregoing sub section, the Commissioners may with the previous sanction of the Local Government[1], at any time or from time to time, by notification, raise or reduce the rate to be imposed, whether generally or on any particular goods or class of goods

Publication of notifications

[3]33B Every notification issued under section 33A shall be published in the Calcutta Gazette,[2] and a copy thereof, in the English and Bengali languages and characters, shall be kept affixed in some conspicuous place to be appointed by the Commissioners

Commissioners' lien for tolls and charges

34 For the amount of all tolls, dues, rates and charges leviable under this Act in respect of any goods, the Commissioners shall have a lien on such goods and shall be entitled to seize and detain them until such tolls dues rates and charges are fully paid

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Act 1903 (Ben Act 4 of 1903) s 3 post p 435.

Tolls, dues, rates and charges in respect of goods to be landed shall become payable immediately on the landing of the goods, and, in respect of goods to be removed from the premises of the Commissioners or to be shipped for export, shall be payable before the goods are removed or shipped.

The lien for such tolls, dues, rates and charges shall have priority over all other liens and claims, except a lien for freight, primage and general average where such lien has been preserved in the manner hereinafter provided, and a lien for money payable to Her Majesty or the Secretary of State for India in Council under any law for the time being in force.

Owner's lien for freight.

35. If the master or owner of any vessel, at or before the time of landing from such vessel of any goods at any wharf, quay, stage, jetty or pier, gives to the Commissioners notice in writing that such goods are to remain subject to a lien for freight, primage or general average of an amount to be mentioned in such notice, such goods shall continue liable after the landing thereof to such lien.

Such goods shall be retained either in the warehouses and sheds of the Commissioners, or with the consent of the Chief Officer of Customs, in the public warehouses, at the risk and expense of the owners of the said goods until the lien is discharged as hereinafter mentioned.

Discharge of ship-owner's lien for freight.

36. Upon the production to any officer appointed by the Commissioners in that behalf of a document purporting to be a receipt for, or a release from, the amount of such lien, executed by the person by or on whose behalf such notice has been given, the Commissioners may permit such goods to be removed without regard to such lien:

Provided that they shall have used reasonable care in respect to the authenticity of such document.

Goods may be removed to warehouses.

37. Whenever goods have, without any default on the part of the Commissioners, been left for two clear days on or in any wharf or shed belonging to the Commissioners, the Commissioners may cause such goods to be removed either to any warehouse belonging to them or, with the consent of the Chief Officer of Customs, to the public warehouses; and the removal to and detention in any such warehouse shall be at the risk and expense of the owners of the said goods.

Whenever any goods are so removed, the Commissioners shall give notice to the consignee or owner of such goods of such removal, if his address be known, by letter sent by post to such address or left thereat; and shall also publish by notification and in the local newspaper or newspapers notice of such removal, and shall specify therein the numbers, marks and descriptions of such goods so far as the same appear; and the consignee or owner of such goods, in addition to the expenses of their removal, shall be liable, in case the goods are removed to any warehouse of the Commissioners, to a charge for warehousing for the time during which the goods shall remain in the said warehouse.

If the goods are removed to the public warehouses, the said consignee or owner shall be liable to the charges for warehousing goods in such public

warehouses ; and the said goods shall remain subject to all liens to which they would have been liable if they had remained in the possession of the Commissioners, and shall be subject to the power of sale hereinafter given

Recovery of tolls and charges by sale of goods

38 If the tolls, dues, rates and charges payable to the Commissioners in respect of any goods under this Act are not paid, or if the lien for freight, primage or general average where such notice as aforesaid has been given is not discharged, the Commissioners may, and in the latter event, if required by or on behalf of the person claiming such lien for freight, primage or general average, shall, at the expiration of four months from the time when the goods were placed in their custody, sell by public auction the said goods, or so much thereof as may be necessary to satisfy the amounts hereinafter directed to be paid out of the produce of such sale

Before making such sale, ten days' notice shall be given by publication thereof in the Calcutta Gazette [1] and in the local newspaper or newspapers

If the address of the owner of the goods has been stated on the manifest of the cargo, or in any of the documents which have come into the hands of the Commissioners, or is otherwise known, notice shall also be given to the owner of the goods by letter delivered at such address or sent by the post, but the title of a *bonâ fide* purchaser of such goods shall not be invalidated by reason of the omission to send such notice, nor shall any such purchaser be bound to inquire whether such notice has been sent

Provided that, if such goods are of so perishable a nature as, in the opinion of the officer appointed by the Commissioners in that behalf, to render early or immediate sale necessary or advisable, the Commissioners may, within such period not less than twenty-four hours after the landing of the goods as they think fit, sell by public auction the said goods or such portion of them as aforesaid, in which event such notice, if any shall be given to the owner of the goods as the urgency of the case admits of

Application of sale proceeds

39 The proceeds of every such sale shall be applied as follows —

(*a*) in payment of the expenses of the sale,

(*b*) in payment, according to their respective priorities of the liens and claims excepted in section [2] [34] from the priority of the lien of the Commissioners,

(*c*) in payment of the tolls, dues, rates and charges, of landing, removing, storing or warehousing the goods, and of all other charges due to the Commissioners in respect thereof

The surplus, if any, shall be paid to the importer, owner or consignee of the goods, or to his agents, on his applying for the same

Provided that such application is made within one year from the sale, or reason is shown to the satisfaction of the Commissioners why such application

[1] Now the E. B and A. Gazette—see the Bengal and Assam Laws Act, 1905 (7 of 1905) s. 3 and Sch D, Pt. I cl VII in Vol I pp 623 625

[2] The figures " 34 " in clause (*b*) of s 39, were substituted for the figures " 32 " by the Repealing and Amending Act, 1903 (1 of 1903), Sch II—see Vol I p 620

was not so made, and in case such application shall not be so made, nor reason shown, such surplus shall be held by the Commissioners upon trust for the purposes of this Act

Recovery of tolls and charges by distraint of vessel

40 If the master of any vessel in respect of which any tolls, dues, rates charges or penalties are payable under this Act, or any rules or orders made in pursuance thereof, refuses or neglects to pay them or any part of them on demand, the Commissioners may apply to the Collector of Customs of the port, and such Collector shall distrain or arrest such vessel, and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount so due to the Commissioners is paid

And, in case any part of the said tolls, dues, rates, charges or penalties, or of the costs of the distress or arrestment, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrestment has been so made, the Collector of Customs may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of such sale, shall satisfy such tolls, dues, rates, charges or penalties and costs including the costs of the sale remaining unpaid, rendering the surplus, if any, to the master of such vessel on demand

Port clearance not to be granted till tolls etc, are paid

41 If the Commissioners give to the officer of Government whose duty it is to grant the port clearance[1] of any vessel a notice stating that an amount therein specified is due in respect of tolls, dues, rates, charges or penalties chargeable under this Act, or any rules or orders made in pursuance thereof, against such vessel, or by the owner or master of such vessel, in respect thereof, or against or in respect of any goods on board such vessel, such officer shall not grant such port clearance until the amount so chargeable has been paid

Compensation for damage to property of Commissioners

42 In case any damage or mischief is done to any wharves, docks, quays, jetties, stages, piers or works constructed or acquired by the Commissioners under this Act by any vessel, through the negligence of the master thereof or of any of the mariners or persons employed therein, any Magistrate of the town of Chittagong may, on the application of the Commissioners, and on declaration by them that payment for such damage or mischief has been refused or has not been made on demand, issue a summons to the master or owner of such vessel, requiring him to attend on a day and at an hour named in the summons to answer touching such damage or mischief

If at the time appointed in the summons, and whether the person summoned appears or not, it is proved that the alleged damage was done through such negligence as aforesaid, and that the pecuniary amount of the same dose not exceed five hundred rupees, the Magistrate may issue his warrant of distress, under which a sufficient portion of the boats, masts, spars, ropes,

[1] See the Sea Customs Act, 1878 (8 of 1878), s 62, in General Acts 1877 1881, Ed. 1898, p 165.

cables, anchors or stores of the vessel may be seized and sold to cover the expenses of and attending the execution of the distress, and the pecuniary amount of damage as aforesaid, and such amount shall be paid to the Commissioners out of the proceeds of the distress

Provided that if, at the time of the damage or mischief, the vessel was under the orders of a duly authorized officer belonging to the pilot service or the harbour master's or master attendant's department, the case shall not be cognizable by the Magistrate under this section

43 The Commissioners shall provide such sums as the Local Government[1] may from time to time require for the establishment and maintenance of police, to be called "river police" for the protection of the port, the approaches to the port and the river Such sums shall be a first charge on any property vested in, and on any moneys paid or payable to, the Commissioners under this Act — River police

The river police shall be enrolled under Act 5 of 1861 [2] (*for the Regulation of Police*)

CHAPTER IV

General Control of Government

44 All acts and proceedings of the Commissioners shall be subject to the approval of the Local Government [1] who may cancel, suspend or modify any such acts or proceedings, and may grant exemption from the payment of any tolls, charges, dues or rates leviable under this Act — Commissioners' acts subject to approval

45 The Local Government[1] may from time to time make rules, consistent with this Act, as to the cost and class of works which the Commissioners may execute and the object to which the receipts of the Commissioners shall be applied — Control over works and expenditure

46 The Local Government[1] may at any time order a survey and examination of any works of the Commissioners under this Act or the site thereof, and the cost of such survey or examination shall be borne and paid by the Commissioners — Local Government may order a survey

47 If the Commissioners allow any work acquired or constructed by them under this Act to fall into disrepair or do not complete any work commenced by them or duly estimated for and sanctioned and do not, after notice given by the Local Government[1] in writing proceed effectually to repair or complete such work, the Local Government[1] may cause such work to be restored, com — Local Government may carry out neglected works

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt 1 cl 1 in Vol I pp. 623 624

[2] The Police Act 1861 It is printed in General Acts 1834 67 Ed 1898 p 379

pleted or constructed, and the cost thereof shall be borne and paid by the Commissioners

Local Government may revoke powers of Commissioners

48 If at any time the Local Government[1] is satisfied that the purposes intended to be accomplished under this Act have not been, and are not likely to be, properly accomplished by the Commissioners, the Local Government [1] may, by notification, give notice that, unless within six months the Commissioners take measures to the satisfaction of the Local Government [1] for properly accomplishing such purposes, the powers by this Act conferred on the Commissioners will, at the end of such period, be withdrawn and revoked

On the expiration of the period aforesaid, the Local Government[1] may, if no such measures to its satisfaction have been taken by the Commissioners, declare such powers to be withdrawn or revoked, and may assume such powers and thereupon such powers shall be withdrawn and revoked accordingly, and all the powers, rights and authorities and all the property vested by this Act in the Commissioners shall thereupon vest in the Local Government [1]

CHAPTER V

Suits by and against the Commissioners

Commissioners not personally liable

49 No Commissioner shall be personally liable for any contract made or expense incurred by or on behalf of the Commissioners, but the funds from time to time in the hands of the Commissioners shall be liable for, and chargeable with, all contracts made in manner hereinafter provided

Commissioners liable for breach of trust

50 Every Commissioner shall be liable for any misapplication of money entrusted to the Commissioners to which he has been a party, or which happens through, or is facilitated by, the neglect of his duty

Limitation of suits

51 No suit shall be brought against the Commissioners or any of their officers, or any person acting under their direction, for anything purporting to be done under this Act until the expiration of one month next after notice in writing has been delivered or left at the office of the Commissioners, or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intending plaintiff

Unless such notice be proved, the Court shall dismiss the suit

Every such suit shall be commenced within six months next after the accrual of the right to sue, and not afterwards

If any person to whom any such notice of suit is given before suit is brought tender sufficient amends to the plaintiff, such plaintiff shall not recover

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[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905), s 3, and Sch D Pt. I, cl. I in Vol. I, pp. 623, 624

(*Chapter V.—Suits by and against the Commissioners.—Chapter VI.—Meetings, Establishment, Contracts and the General Conduct of Business.—Secs. 52-59.*)

52. The Commissioners shall not be answerable for any act or default of any master attendant or harbour master or of any pilot or of any deputy or assistant of any of the officers above mentioned or of any person acting under the authority or direction of any such officer or assistant done within the limits of the port, *nor for any damage sustained by any vessel in consequence* of any defect in any of the moorings, hawsers or other things within the said limits which may be used by such vessel: Indemnity to Commissioners for acts of harbour master, etc.

Provided that nothing in this section shall protect the Commissioners from a suit in respect of any act done by or under their express order or sanction.

CHAPTER VI.

MEETINGS, ESTABLISHMENT, CONTRACTS AND THE GENERAL CONDUCT OF BUSINESS.

53. The Commissioners may, if they think fit, elect one of their number to be Secretary to the Commissioners. A Commissioner may be Secretary.

54. The Commissioners shall have an office where they shall meet for the transaction of business. Place of business.

55. The Commissioners shall meet for the transaction of business at least once in every month, and for attendance at every such meeting the Commissioners shall receive such fees, subject to such conditions as the Local Government [1] may from time to time prescribe. Monthly meetings and remuneration for attendance.

56. The Chairman and Vice Chairman shall, unless prevented by sickness or other reasonable cause, attend all meetings of the Commissioners. Chairman and Vice-Chairman to attend.

57. The Chairman or, in the event of his illness or absence from Chittagong, the Vice Chairman may, whenever he thinks fit, and shall, upon a requisition made in writing by not less than three Commissioners, convene a meeting of the Commissioners for the transaction of any special business. Ordinary and special meetings.

Meetings so convened are special meetings; all other meetings are ordinary meetings.

58. At least three days' notice shall be given of every meeting of the Commissioners, and the notice shall state the nature of the business to be transacted. Notice of meetings.

59. At all meetings of the Commissioners the business shall be conducted in accordance with the following rules:— Conduct of business at meetings.

(a) The Chairman, or, in his absence, the Vice Chairman shall be

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[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3, and Sch. D, Pt. I, cl. I, in Vol. I, pp. 623, 624.

President, if both be absent, the Commissioners may elect one of their number to be President

(*b*) The President may, with the consent of the meeting, adjourn the meeting from time to time

(*c*) At special meetings no business shall be transacted other than the special business for the consideration of which the meeting was specially called, at ordinary meetings any business may be transacted of which due notice has been given

(*d*) The quorum necessary for the transaction of business shall be such number, not less than four, as the Commissioners may from time to time prescribe

(*e*) All questions which may come before the Commissioners at any meeting shall be decided by a majority of votes Each Commissioner shall have one vote and, in case of equality of votes the President shall have a second or casting vote

(*f*) Minutes of the proceedings at all meetings of the Commissioners shall be drawn up after each meeting and shall be signed by the President and at least one other member who was present at such meeting A copy of all such minutes shall, as soon as conveniently may be, be transmitted to the Local Government [1]

Mode of giving effect to resolutions

60 The Commissioners may appoint one or more of their number to carry out their resolutions and to enforce any of the rules made under the provisions of this Act, or they may appoint a special officer for such purpose

Proceedings not invalidated by defect of notice or form.

61 No proceedings of the Commissioners at any special or ordinary meeting shall be deemed invalid solely by reason of defect of notice or defect of form

Schedule of establishment

62 The Commissioners shall from time to time prepare and submit to the Local Government [1] a schedule setting forth the number of officers and servants necessary for carrying out the purposes of this Act, and of the salaries, fees and allowances which it is proposed to assign to such officers and servants

The Local Government [1] may sanction such schedule, or modify and sanction the same

Every such schedule so sanctioned shall remain in force till some other such schedule has been so prepared and sanctioned

It shall not be lawful for the Commissioners to employ any officer or servant for any office or employment not sanctioned in such schedule, nor to pay or allow to any officer or servant any salary, allowance or fee greater than or beyond that sanctioned therein

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[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3, and Sch D Pt I cl I in Vol I, pp 623 624

(Chapter VI.—Meetings, Establishment, Contracts and the General Conduct of Business.—Secs. 63-66.)

Nothing in this section applies to artizans, porters or labourers.

63. The Commissioners and the servants of the Commissioners, other than artizans, porters and labourers, shall be deemed to be public servants within the meaning of section 21 [1] of the Indian Penal Code. Commissioners are public servants.

64. The Commissioners may from time to time make by-laws, consistent with this Act, for regulating the time and place of their meetings, the conduct of their business, the division of the duties among themselves, the guidance of persons employed by them, the appointment, payment, leave, suspension and removal of their officers and servants mentioned in the schedule last aforesaid, and for other similar matters. Commissioners may make by-laws.

[2] 64A. (1) The Commissioners may from time to time make by-laws for determining— Power to make by-laws as to pensions, etc.

(a) the conditions under which officers and servants mentioned in the schedule sanctioned under section 62, or any of them, shall, on retirement, receive pensions, gratuities or compassionate allowances, and

(b) the amount of such pensions, gratuities and allowances.

(2) By-laws made under sub-section (1) shall not take effect unless and until they have been confirmed by the Governor General in Council.

65. Such one of their number as the Commissioners may from time to time, with the previous sanction of the Local Government, [3] appoint in this behalf may for and on behalf of the Commissioners enter into any contract whereof the value or amount shall not exceed two hundred rupees, in such manner and form as, according to the law for the time being administered in Chittagong, would bind him if such contract were on his own behalf, but every other contract by or on behalf of the Commissioners shall be in writing and signed by the Chairman or Vice-Chairman and by two other Commissioners, and shall be sealed with the common seal of the Commissioners: The making of contracts.

Provided that no contract under or by virtue of which a sum greater than ten thousand rupees may in any event be payable by the Commissioners shall be valid without the sanction in writing of the Local Government. [3]

No contract not executed as in this section provided shall be binding on the Commissioners.

66. No new work, the estimated cost of which exceeds one thousand rupees, shall be commenced by the Commissioners, nor shall any contract be entered into by the Commissioners in respect of any such work, until a plan and estimate thereof have been approved by the Commissioners at a meeting. Manner in which work to be sanctioned.

[illegible] p. 244.

Commissioners (Amendment) Act, 1903.

al and Assam—see the Bengal and Assam [illegible] I in Vol. I, pp. 623-624.

(*Chapter VI —Meetings, Establishment, Contracts and the General Conduct of Business —Chapter VII —Borrowing Powers of the Commissioners — Secs* 67-70)

In case the estimated cost of such new work exceeds five thousand rupees, it shall not be commenced, nor shall any contract be entered into in respect of it, until such plan and estimate have been submitted to the Local Government [1] and sanctioned by it in an order published in the Calcutta Gazette [2]

And, in case the estimated cost of such new work exceeds ten thousand rupees, it shall not be commenced, nor shall any contract be entered into in respect of it, without the previous sanction of the Governor General in Council

Money to be kept in treasury

67 All moneys raised by and paid to the Commissioners under this Act shall be placed in the Chittagong treasury, and no disbursement of such funds or any part thereof shall be made—

(*a*) in excess of such sum as may in that behalf be from month to month appropriated by the Commissioners at a meeting, or

(*b*) except under the signature of the Chairman or Vice Chairman

Submission of reports accounts and estimates

68 The Commissioners shall annually, or oftener if directed by the Local Government [1] so to do, submit, in such form and at such time as the Local Government [1] may from time to time direct,—

(*a*) statements of their receipts and disbursements under this Act,

(*b*) reports of all works executed and proceedings taken by them under this Act,

(*c*) an estimate of their probable receipts for the financial year next following, with proposals for the expenditure of the same

Audit of accounts and sanction and publication of estimates

69 The accounts of the Commissioners shall be examined and audited in such manner as the Local Government [1] may from time to time direct, and subject to the provisions of this Act, the estimate of probable receipts, and the proposals for expenditure as aforesaid, may on submission be sanctioned by the Local Government, [1] or may be modified or altered and sanctioned

An abstract of such estimates and proposals shall, when sanctioned, be published in the Calcutta Gazette [2]

CHAPTER VII

Borrowing Powers of the Commissioners

Local Government may advance

70 The Local Government, [1] acting on behalf of the Secretary of State for India in Council, may, with the previous consent of the Governor General of

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[1] [illegible] l and Assam Laws [illegible]

[2 [illegible] of 1905) s

3 and [illegible]

India in Council, from time to time advance money to the Commissioners for the general purposes of this Act, or

money to the Commissioners

the Commissioners may, with the previous consent of the Governor General in Council, from time to time raise money for the said purposes or for the purpose of repaying, either in whole or in part, any moneys heretofore or hereafter borrowed, or owing by the Commissioners

With consent of Government the Commissioners may raise loan

Provided always that no expenditure shall be charged by the Commissioners to capital except with the express sanction of the Local Government [1]

Manner of raising such loans to be determined by Government

71 Whenever the consent of the Governor General in Council has been obtained to the raising of money by the Commissioners under the last preceding section the Local Government [1] shall with the previous consent of the Governor General in Council direct and appoint the manner in which money shall be raised

Forms of debentures

72 When money is raised by the Commissioners on debentures, the debentures shall be in the form in the third schedule, or in such form as the Commissioners with the previous consent of the Local Government, [1] shall from time to time determine The holder of any debenture in the form in the third schedule or in any form duly authorized under this section may obtain in exchange therefor, upon such terms as the Commissioners shall from time to time determine a debenture in any other form so authorized

Transfer of debenture

Every debenture issued by the Commissioners shall be transferable—

(*a*) if it be in the form in the third schedule by endorsement, and

(*b*) if it be in any other form in such manner as shall be therein expressed

The right to sue in respect of the moneys secured by debentures issued under this section shall vest in the respective holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others

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CHAPTER VIII.

PENALTIES

Commissioners not to be interested in contract etc

73 Any Commissioner, or servant of the Commissioners who shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Commissioners, shall be deemed to have committed an offence made punishable by section 168 [2] of the Indian Penal Code

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[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s. 3 and Sch D Pt I cl I in Vol I pp. 623 624

[2] Printed in General Acts 1834 67 Ed. 1898 p 284

Provided that nothing in this section shall apply to a person—

(*a*) having a share in any joint stock company which shall contract with, or be employed by, or on behalf of, the Commissioners, or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Commissioners may be inserted, or

(*c*) interested in any loan of money to the Commissioners

Infringement of sections 22, 23 24 26 31

74 Whoever infringes any order issued under sections 22, 23 or 24 or any condition prescribed under sections 26 or 31 shall be punished with fine which may extend to one hundred rupees , and, if the infringement be continuing, with a further fine which may extend to one hundred rupees for every day such order is infringed

Infringement of rules

75 Whoever infringes any rule framed by the Commissioners under section 17 shall be liable to a fine which may extend to fifty rupees, and, if the infringement be continuing, to a further fine which may extend to ten rupees for every day after notice of such infringement has been given by the Commissioners

Punishment in default of fine

76 Whenever any person is sentenced to a fine under this Act, the convicting Court may direct that in default of payment of the fine such person shall suffer simple imprisonment for a term which shall not exceed the following scale —

(*a*) two months in the case of continuing infringement of section 30 ,

(*b*) one month in the case of continuing infringement of sections 22, 23 and 24 ,

(*c*) fourteen days if the fine does not exceed fifty rupees ,

(*d*) one month if the fine does not exceed one hundred rupees ,

(*e*) two months if the fine exceeds one hundred rupees

Prosecutions.

77. Prosecutions under this Act may be instituted by the Commissioners or any person authorized by them in this behalf and not otherwise

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CHAPTER IX

MISCELLANEOUS

Saving of previous port regulations

78 All acts done and proceedings taken by the Port Officer before this Act comes into force, and all orders, rules and regulations relating to the port and to wharves, quays, stages, jetties, piers landing places, tolls, charges, rates and dues within the port made and issued before this Act comes into force, shall, whenever such acts, proceedings, orders, rules or regulations would have been lawful if this Act had been in force, be deemed to have been respectively done, taken, made and issued under the provisions of this Act

79 All fees and sums due on account of property for the time being vested in the Commissioners and all arrears of tolls, charges, rates and dues imposed under this Act, may be recovered as if they were arrears of land revenue, [1] in addition to the other modes hereinbefore provided

Recovery of dues as revenue

THE FIRST SCHEDULE

(*referred to in section* 13)

1 All the land belonging to Government bounded on the east by the Nimtolly creek, on the south by the Kurnofuli river on the west by the Monohurkhali creek, and on the north by a line drawn from Nimtolly creek to Monohurkhali creek, east and west immediately to the south of the premises owned by B R Texeira, known at the time of the passing of this Act as the Sailors' Home, and meeting the public road at its southern extremity

2 The land held by Government on a perpetual lease from the said B R Texeira, at the time of the passing of this Act in the occupation of the Customs Department, bounded on the east by the public road referred to in the last preceding clause, on the south by the land belonging to Government the boundaries of which are set forth in the last preceding clause on the west by the Monohurkhali creek and on the north by the public road which joins the public road hereinbefore referred to

3 The land held by Government on a perpetual lease from Bahirulla bounded on the east by the Monohurkhali creek on the south by the land at the time of the passing of this Act occupied by the Government Salt Golahs, on the west by a public road leading to the Sadar Ghat jetty and on the north by private property

4 The Sadar Ghat jetty and the approaches leading thereto

5 The waste land belonging to Government at the time of the passing of this Act occupied by the Customs Department bounded on the east by the Sadar Ghat jetty, on the south by the Kurnofuli river, on the west by a tank, at the time of the passing of this Act in the possession of Messieurs Bulloch Brothers, and on the north by a road running east and west lying to the south of the customs-house

6 The land at the time of the passing of this Act occupied by the port godowns and yard bounded on the east by the public road leading to the Sadar Ghat jetty, referred to in clause 2 of this schedule, on the south by the Kurnofuli river on the west by the premises at the time of the passing of this Act in the occupation of Messieurs Bulloch Brothers

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[1] See the Public Demands Recovery Act 189[illegible] (Ben. Act I of 189[illegible]) s 7 (a) *post* p. 30[illegible]

THE FIRST SCHEDULE—*contd*

7 All other land the property of Government within the limits of the port of Chittagong being within fifty yards of high water mark on both banks of the Kurnofuli river, except the land at the time of the passing of this Act occupied by the Government Salt Golahs and all land other than land with regard to which Government has the right of assessment only within the limits of the port included in any survey plot through which a line drawn fifty yards above high water mark passes

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THE SECOND SCHEDULE

(*referred to in section* 27)

RECEIPT FOR GOODS

By the Port Commissioners Chittagong

Landed during the day of from the , by the Port Commissioners, Chittagong the noted in the margin contents and state of the contents unknown

NOTE —*If there be any apparent injury, this is to be stated*

A B

For the Port Commissioners Chittagong

CHITTAGONG

The day of

THE THIRD SCHEDULE

(*referred to in section* 72)

FORM OF DEBENTURE

THE COMMISSIONERS OF THE PORT OF CHITTAGONG

No *The* 188

By virtue of the Act No 4 of 1887 of the Council of the Lieutenant Governor of Bengal for making Laws and Regulations, entitled the Chittagong

Port Commissioners Act, 1887, we, the Commissioners of the port of Chittagong, in consideration of the sum of Rs paid to us by *A B*, of , promise to pay to the said , or order, the said sum of Rs after the date hereof, together with interest at the rate of *per centum per annum* payable half yearly on the day of and the day of .

Given under our corporate seal this day of 188

Signatures of the Chairman and two Commissioners.



of the Commissioners

BENGAL ACT 2 OF 1889 [1]

(THE PRIVATE FISHERIES PROTECTION ACT 1889)

[26th June 1889]

An Act for the protection of the right of fishing in private waters

Preamble

WHEREAS it is expedient to provide for the protection of private rights of fishery It is hereby enacted as follows —

Short title

1 This Act may be called the Private Fisheries Protection Act 1889

Interpretation clause

2 In this Act—

Fish

fish includes shell fish and turtles

Fixed engine

fixed engine means any net, cage trap or other contrivance for taking fish fixed in the soil or made stationary in any other way

Private waters

private waters means waters—

(a) which are the exclusive property of any person or

(b) in which any person has an exclusive right of fishery and in which fish are not confined but have means of ingress or egress

Penalties

3 Any person who—

(a) fishes in any private waters not having a right to fish therein

(b) erects places maintains or uses any fixed engine in private waters or puts or knowingly permits to be put therein any matter for the purpose of catching or destroying fish without the permission of the person to whom the right of fishery therein belongs

shall be guilty of an offence and shall be punished for a first offence with a fine not exceeding fifty rupees

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[1] LEGISLATIVE PAPERS —For Statement of Objects and Reasons see Calcutta Gazette 1889 Pt IV p 6 for Report of Select Committee see ibid p 3? and for Proceedings in Council see ibid Supplt pp 658 714 947 and 960

LOCAL EXTENT —Since this Act contains no local extent clause it must be taken to extend to the whole of the former Province of Bengal. It s therefore applicable to Eastern Bengal

The Act has been extended to Assam by notificat on under the Scheduled Distr cts Act 1874 (14 of 1874) s 5—see Table B 2 n Appendix I to th s Volume

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and for a subsequent offence with imprisonment which may be simple or rigorous, for a term not exceeding one month or with a fine not exceeding two hundred rupees or both

Provided that nothing herein contained shall apply to acts done by any person in the exercise of a *bona fide* claim of right or shall prevent any person from angling with a rod and line or with a line only in any portion of a navigable river

4 (1) Any fixed engine erected placed maintained or used in contravention of the last preceding section and any fish taken by means of such engine, or otherwise in contravention of this Act shall be forfeited Forfeiture of fixed engines

(2) And such fixed engine may be removed or taken possession of by the Magistrate of the district [1] or such person as he empowers in this behalf Removal of fixed engine

5 Whoever enters upon land in the possession of another or upon private waters, with intent to commit any of the offences specified in section 3 shall be punished with a fine not exceeding fifty rupees Entry upon the land of another or upon private waters with intent to commit an offence

6 Offences committed under this Act shall be considered to be "cognizable offences' as defined in the Code of Criminal Procedure [2] Offences under this Act considered cognizable offences

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Rules and

dure 1898
—*see* s. 3

BENGAL ACT 2 OF 1891

(THE CALCUTTA HACKNEY CARRIAGE ACT, 1891)

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BENGAL ACT 2 OF 1891[1]

(THE CALCUTTA HACKNEY CARRIAGE ACT, 1891)

[23rd *September*, 1891]

An Act to consolidate and amend the law relating to Hackney carriages and Palanquins in Calcutta [2]

WHEREAS it is expedient to consolidate and amend the law relating to hackney carriages and palanquins in Calcutta [2] It is hereby enacted as follows —

CHAPTER I

PRELIMINARY

1 (1) This Act may be called the Calcutta Hackney carriage Act, 1891. Title

(2) [*Commencement*] *Rep by the Repealing and Amending Act,* 1903 (1 of 1903)

(3) It [*shall apply to Calcutta as hereinafter defined and*] may be extended from time to time to any other town or place in Bengal[3] by a notification published in the Calcutta Gazette [4] Application and extension of Act

2 (1) Acts 5 of 1866 and 4 of 1878 are hereby repealed Repeal

(2) This repeal shall not affect the validity of anything done or suffered or of any right, title, obligation or liability which may have accrued, and all appointments extensions and registrations made licenses issued, notifications published penalties incurred and other things duly done under any such enactments shall so far as they are consistent with this Act, be deemed to have been respectively made issued published, incurred or done hereunder Savings

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applicable to Assam is the Hackney-carriage Act
3/7

in Eastern Bengal *see* the Local Extent footnote

[3] This includes Eastern Bengal.

[4] Now the E. B. and A Gazette—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl. VII in Vol I pp 623 625

(Chapter I.—Preliminary.—Chapter II.—Registration of Hackney carriages.—Secs. 3, 5.)

(3) All references made to any such enactments shall, as far as may be practicable, be deemed to be made to this Act.

(4) All proceedings now pending which may have been commenced under any such enactment shall be deemed to be commenced under this Act.

Definitions

3. In this Act, unless there is something repugnant in the subject or context,—

(1) ["*Calcutta*" (*subject to the inclusion or exclusion of any local area by the Local Government under section 4*) *means Calcutta as defined by the Calcutta Municipal Consolidation Act*, 1888;[1]] Ben. Act [illegible] 1888.

(2) "hackney carriage" means any wheeled vehicle drawn by horses and used for the conveyance of passengers which is kept or offered, or plies for hire by the hour or day or according to distance; but shall not include any carriage used wholly upon any railway or tramway;

(3) "horse" includes mule and pony;

(4) "stage carriage" means any hackney-carriage, the passengers in which shall be charged or shall pay separate and distinct fares, or shall be charged or pay, at the rate of separate and distinct fares, for their respective places or seats therein or conveyance thereby;

(5) "the Commissioners" means the Corporation of Calcutta.[2]

4. [*Alteration of limits of Calcutta.*] *Omitted as being inapplicable to Eastern Bengal.*

CHAPTER II

Registration of Hackney carriages

Hackney carriages to be registered annually

5. (1) Every hackney carriage in Calcutta[3] shall be annually regis- [illegible] shall be appointed for the purpose by the [illegible] keep a register in which he shall enter every hackney carriage under either the first, the second or the third class.

Registering

(2) Every act, matter or nothing done by the Registering Officer, under or

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by virtue of this Act, shall be subject to the control of the Chairman of the Commissioners [1] Officer to be under control

(3) The appointment and removal of such Registering Officer shall be subject to the provisions of section [2] [16 of the Bengal Municipal Act 1884] Appointment and removal of Registering Officer

6 The year of registration shall commence on the first day of October of each year and shall terminate on the 30th day of September following Time and duration of registry

7 (1) The owner of any carriage, who is desirous of registering it as a hackney carriage, shall apply to the Registering Officer stating the class in which he desires that the carriage may be registered, and shall submit the carriage for the inspection of the Registering Officer Application for registry

(2) The Registering Officer shall decide whether the carriage is fit to be registered in the class applied for and shall register it in that class or refuse to grant the application Application may be granted or refused

(3) The person in whose name any carriage is registered shall be deemed the owner of such carriage for the purposes of this Act "Owner" of carriage

8 (1) The Registering Officer shall, at the time of registration, deliver a license duly signed by him to the owner of every hackney carriage License to be delivered to owner

(2) Such license shall be in force for the year of registration Duration of license

9 The following particulars shall be entered in the register and shall be specified in the license to be given to the owner — Particulars of register and license

(a) the class and the number assigned to the carriage in the register ,

(b) the name and residence of the owner, the description of the carriage, and the place where such carriage is intended to be kept ,

(c) the number and description of horses to be employed in drawing such carriage, and the place where such horses are intended to be kept ,

(d) the number of persons the carriage is licensed to carry

10 A fee of four rupees shall be paid for each registration of a carriage of the first class, a fee of three rupees for each registration of a carriage of the second class, and a fee of two rupees for each registration of a carriage of the third class Fee for registration

11 The Registering Officer may suspend for such period as he thinks fit or cancel the registration of any carriage and the license granted to the driver under this Act, whenever it shall appear to him that such carriage or any horse or harness used with such carriage is unfit for public use , due regard being had to the class in which such carriage is registered Registration of carriage and driver's License may be suspended or cancelled.

12 (1) Whenever any change shall take place in the ownership of a hackney carriage, if the person to whom such carriage shall have been transferred Notice to be given of change of ownership

[1] For power to appoint persons to perform the duties imposed and exercise the powers conferred on the Chairman of the Commissioners see s 61 (1) post, p 283

[2] These words in square brackets are substituted for the words " 41 of the Calcutta Municipal Consolidation Act 1888 in accordance with s 61 (2) post p 284 S 46 of Ben Act 3 of 1884 is printed ante p 59

As to the suspension or dismissal of officers, see the Bengal General Clauses Act, 1899 (Ben Act 1 of 1899) s. 17, post, p 420

shall desire to use it as a hackney carriage he shall before so using it give to the Registering Officer notice in writing of such transfer and shall include in such notice the particulars specified in clauses (*b*) and (*c*) of section 9

Penalty for using carriage before giving notice

(2) If any such person shall, before giving such notice as aforesaid use such carriage as a hackney carriage he shall be liable to a fine not exceeding five rupees for every day during which he shall so use the same

Notice to be given of change of residence or place

13 (1) Whenever the owner or driver of a registered hackney carriage shall change his residence or the place where such carriage and horses are kept he shall within one week from the date of such change give to the Registering Officer a notice in writing which shall include the particulars specified in clauses (*b*) and (*c*) of section 9

Penalty for neglect to give notice

(2) Every such owner or driver who shall neglect to give such notice shall be liable for every such offence to a fine not exceeding ten rupees

Change of ownership or residence to be entered in register

14 The Registering Officer on receiving the notices specified in either of the two last preceding sections shall make the necessary alteration in the register and in the license and a fee of eight annas shall be chargeable in respect thereof

Penalty for keeping unregistered carriage

15 (1) Whoever keeps or is the proprietor of any hackney carriage which has not been duly registered under this Act shall be liable to a fine not exceeding one hundred rupees

Seizure of such carriage and horse

(2) Any police officer or any person duly authorized by the Commissioners[1] in that behalf and wearing a distinctive badge to indicate his official capacity may seize and remove to a police station such carriage together with the horse drawing the same

When such carriage or horse may be sold

(3) If the hackney carriage or horse so seized be not claimed and if any fine imposed be not paid together with any costs or charges incurred within ten days of such seizure or imposition of such fine respectively such carriage and the horse seized therewith may be sold by auction and the proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale

When surplus to be credited to Hackney carriage Fund

(4) The surplus if any if not claimed by the owner within a further period of twenty days shall be credited to the Hackney carriage Fund

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CHAPTER III

PLATE ON HACKNEY CARRIAGE

Plate to be affixed outside carriage

16 Upon the registration of any hackney carriage the Registering Officer shall provide a plate bearing the class and the number of such carriage in the

[1] For power to appoint persons to perform the duties imposed and exercise the powers conferred on the Commissioners *see s* 61 (1) *post* p 283

register and the number of persons it is licensed to carry, and shall cause such plate to be affixed on some conspicuous part of the outside of the carriage

17 If any hackney carriage shall be let used, or ply for hire without having a proper plate duly affixed as required by the last preceding section, the owner thereof shall be liable to a fine not exceeding fifty rupees — Penalty for using carriage without plate

18 Whenever the words or figures on any plate shall, during the term of the license become indistinct or obliterated and also whenever any plate shall have been lost or stolen the owner of the hackney carriage on which such plate was affixed shall deliver such plate (if he shall have the same in his possession) to the Registering Officer and shall be entitled to have a new plate affixed upon payment of one rupee — New plate may be had on loss or obliteration of former one

Provided that if any plate which shall have been proved to have been lost or stolen shall afterwards be recovered the same shall forthwith be delivered to the Registering Officer and every person in or into whose possession any such plate as last aforesaid shall be or come and who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every registered owner who shall use or permit to be used any plate after the writing thereon shall have become indistinct or obliterated shall, for every such offence be liable to a fine not exceeding ten rupees — Penalty for using obliterated plate or for failing to deliver lost plate when recovered

19 (1) On the expiration or other determination of the registration, the owner of every hackney carriage shall cause the plate of such hackney carriage to be delivered to the Registering Officer — Plate to be delivered on expiry of registration

(2) Any person who, after the expiration of the period aforesaid, shall wilfully neglect for three days to deliver the plate to the said officer, and every person who shall retain any plate affixed in respect of a registration which is no longer in force shall for every such offence, be liable to a fine not exceeding fifty rupees — Penalty for neglecting to deliver such plate

20 (1) Every person who shall for the purpose of deception, use or have any plate resembling or intended to resemble any plate affixed under this Act shall, for every such offence, be liable to a fine not exceeding two hundred rupees — Penalty for fraudulently using counterfeit plate

(2) It shall be lawful for any Police officer or any person employed for the purposes of this Act by the Registering Officer, to seize and take away any plate used or had as aforesaid wheresoever the same may be found and to deliver the same to the Registering Officer — Police may seize counterfeit plate

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CHAPTER IV

Driver's License

21 (1) It shall be lawful for the Registering Officer to grant a license to — Driver of

hackney carriages to have license — act as driver of any hackney carriage to any person who shall apply for the same, and to whom it may seem proper to the said Officer to grant it

Proviso — Provided that no person shall be so licensed who is under sixteen years of age

Particulars of license — (2) Every such license shall contain—

(*a*) the number of the license,

(*b*) the name father's name place of abode and age of the person to whom such license is granted,

(*c*) the description of carriage and horses such person is licensed to drive,

(*d*) the date on which the license was granted

and shall bear the signature of the Registering Officer

Duration of license — (3) The license shall continue in force for one year from the date thereof unless the same shall be sooner revoked or suspended

Fee for license — (4) For every such license there shall be paid a fee of two rupees

Penalty for not having license or lending it out — 22 If any person shall act as the driver of a hackney carriage without having a license in force for the time being or having a license shall transfer or lend the same or allow the same to be used by any other person, he shall be liable to a fine not exceeding twenty rupees, and in default of payment of fine to imprisonment for a period not exceeding fourteen days

Penalty for suffering unlicensed person to act as driver — 23 Any owner of a hackney carriage who shall suffer any person not duly licensed under this Act to act as driver of any hackney carriage of which he shall be the owner, shall be liable, for every such offence, to a fine not exceeding fifty rupees

Proviso — Provided that such owner and such unlicensed driver shall be subject to all the provisions of this Act, for any act done or omitted to be done by such driver during such employment in like manner as if such driver had been duly licensed

Particulars of license to be registered and copy given on payment of fee — 24 The particulars of every license which shall be granted under the provisions of this Act shall be entered in books to be kept for that purpose at the office of the Registering Officer, and every person applying shall at all reasonable times be furnished with a certified copy of such particulars on payment of a fee of eight annas

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CHAPTER V

Driver's Ticket

Driver to wear metal ticket — 25 (1) The Registering Officer shall at the time of granting a license to any driver of a hackney carriage, deliver a metal ticket marked or engraved with a number corresponding with the number of his license

(2) Every driver to whom such ticket is delivered shall at all times while acting as driver or while attending before any Magistrate carry such ticket exposed to view

Driver to wear ticket exposed to view

(3) In case any such driver shall omit to wear such ticket exposed to view while acting as driver or attending before a Magistrate he shall be liable to a fine not exceeding ten rupees and in default of payment of fine to imprisonment for a period not exceeding one month

Penalty for omitting to wear ticket

26 Whenever the number on any ticket shall during the term of the license become indistinct or obliterated and also whenever any ticket shall have been lost or stolen the person to whom the license relating to any such ticket shall have been granted shall deliver such ticket (if he shall have the same in his possession) and shall produce such license to the Registering Officer and such person shall then be entitled to have a new ticket delivered to him upon payment of eight annas

Driver entitled to new ticket on loss or obliteration of former one

Provided that if any ticket which shall have been proved to have been lost or stolen shall afterwards be recovered, the same shall forthwith be delivered to the Registering Officer, and every person in or into whose possession any such ticket as last aforesaid shall be or come who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every person licensed under the authority of this Act who shall use or wear the ticket granted to him after the writing thereon shall have become indistinct or obliterated shall, for every such offence, be liable to a fine not exceeding ten rupees, and in default of payment of fine to imprisonment for a period not exceeding seven days

Penalty for using obliterated ticket or for failing to deliver lost ticket when recovered

27 (1) Upon the expiration or other determination of any license granted to a driver under this Act, such driver shall deliver such license and the ticket relating thereto to the Registering Officer

License and ticket to be delivered on expiry

(2) Every driver who shall neglect for three days to deliver such expired license and ticket to the said Officer, and also every person who shall use, wear or detain any such expired license or ticket or other than such as shall have been delivered to him under the provisions of this Act, and every person to whom any ticket shall have been delivered as aforesaid who shall lend such ticket to any other person, and every person who shall wear or use the ticket of any other person shall, for every such offence, be liable to a fine not exceeding twenty rupees, and in default of payment of fine to imprisonment for a period not exceeding one month

Penalty for neglecting to deliver such license and ticket

28 (1) Every person who shall for the purpose of deception use or wear any ticket resembling or intended to resemble any ticket granted under the authority of this Act, shall, for every such offence, be liable to a fine not exceeding one hundred rupees, and in default of payment of fine to imprisonment for a period not exceeding one month

Penalty for using or wearing counterfeit ticket

hackney carriages to have license — act as driver of any hackney carriage to any person who shall apply for the same, and to whom it may seem proper to the said Officer to grant it

Proviso — Provided that no person shall be so licensed who is under sixteen years of age

Particulars of license — (2) Every such license shall contain—

(*a*) the number of the license,

(*b*) the name father's name place of abode and age of the person to whom such license is granted

(*c*) the description of carriage and horses such person is licensed to drive,

(*d*) the date on which the license was granted

and shall bear the signature of the Registering Officer

Duration of license — (3) The license shall continue in force for one year from the date thereof unless the same shall be sooner revoked or suspended

Fee for license — (4) *For every such license there shall be paid a fee of two rupees*

Penalty for not having license or lending it out — 22 If any person shall act as the driver of a hackney carriage without having a license in force for the time being or having a license shall transfer or lend the same or allow the same to be used by any other person he shall be liable to a fine not exceeding twenty rupees and in default of payment of fine *to imprisonment for a period not exceeding fourteen days*

Penalty for suffering unlicensed person to act as driver — 23 Any owner of a hackney carriage who shall suffer any person not duly licensed under this Act to act as driver of any hackney carriage of which he shall be the owner, shall be liable for every such offence, to a fine not exceeding fifty rupees

Proviso — *Provided that such owner and such unlicensed driver shall be subject to* all the provisions of this Act, for any act done or omitted to be done by such driver during such employment in like manner as if such driver had been duly licensed

Particulars of license to be registered and copy given on payment of fee — 24 The particulars of every license which shall be granted under the pro*visions of this Act shall be entered in books to be kept for that purpose* at the office of the Registering Officer, and every person applying shall at all reasonable times be furnished with a certified copy of such particulars on payment of a fee of eight annas

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Driver to wear metal ticket — 25 (1) The Registering Officer shall at the time of granting a license to any driver of a hackney carriage, deliver a metal ticket marked or engraved with a number corresponding with the number of his license

Provided that when the owner or driver of any hackney carriage, to be paid a fare calculated according to the distance shall be required by the hirer thereof to stop such carriage for any time or times amounting altogether to not less than fifteen minutes, it shall be lawful for the owner or driver to demand and receive from the hirer so requiring him to stop a further sum of one fourth of the rate for the first hour, for every fifteen minutes that he shall have been so stopped — Proviso

(2) No owner or driver shall demand or receive over and above the said fare any sum for back fare for the return of the carriage from the place at which it was discharged — Back fare not to be demanded

Provided that any contract entered into to accept a fare lower than the fare so fixed shall be binding — Contract for lower fares to be binding

32 (1) The owner of every registered hackney carriage shall put up and at all times keep distinctly printed, painted or marked in the English, Urdu and Bengali languages,[1] [or such other languages as the Local Government[2] may, by notification in the Calcutta Gazette,[3] prescribe,] in such manner and in such position as shall be directed by the Registering Officer, on the inside of such carriage, the amount of fare according to distance and time which may legally be demanded and taken from the hirer of such carriage as a hackney carriage — Owner to keep list of fares inside carriage

(2) Every such owner who shall fail to comply with the provision of this section shall, for each offence, be liable on conviction to a fine not exceeding ten rupees — Penalty for breach

33 (1) The driver of every registered hackney carriage shall (unless he has a reasonable excuse, to be allowed by the Magistrate before whom the matter shall be brought in question) drive such carriage to any place to which he shall be required by the hirer thereof to drive the same, not exceeding six miles from the place where the same shall have been hired — Distance driver bound to drive

(2) When any such carriage shall have been hired by time, the driver thereof shall drive the same at a rate not less than four miles within one hour, and if the driver of such carriage shall be required to drive more than four miles within one hour, then in every such case the driver thereof shall be entitled to demand, in addition to the fare regulated by time in the first Schedule to this Act for every mile or any part thereof exceeding four miles, the fare regulated by distance as set forth in that schedule — Speed when hired by time

(3) Any such driver failing without reasonable excuse to comply with the provisions of this section shall be liable to a penalty not exceeding — Penalty for failure

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[1] These words in square brackets in s. 32 are inserted in accordance with s. 61 (2) *post* p 284
[2] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s. 3 and Sch. D Pt. I cl. I in Vol. I, pp 623 624
[3] Now the E. B and A Gazette—*see* the Bengal and Assam Laws Act 1905 (7 of 1905), s 3 and Sch D Pt. I cl. VII, in Vol. I pp 623 624

ten rupees, and in default of payment of fine to imprisonment for a period not exceeding seven days

Quantity of luggage to be carried free of charge

34 The driver of every registered hackney carriage shall carry in or upon such carriage a quantity of luggage not exceeding two maunds, together with one additional maund for every person below four carried in the carriage without any additional charge

Penalty for refusing to let a carriage for hire

35 Any owner, person in charge of any registered hackney carriage or driver who shall without sufficient reason refuse to let such carriage for hire, shall be liable for every such offence to a fine not exceeding fifty rupees and to pay such further sum by way of compensation to the party complaining as to the Magistrate who shall hear the case may seem just, and such further sum shall, in default of immediate payment, be levied in the mode provided for the levying of fines under this Act

Penalty on driver for certain offences

36 Every driver of a hackney carriage who shall—

(*a*) be drunk during his employment,

(*b*) make use of insulting or abusive language, or gesture,

(*c*) stand (elsewhere than at some stand or other place appointed for the purpose) or loiter for the purpose of being hired in or upon any public street, road, or place,

(*d*) suffer his carriage to stand for hire across any street or alongside of any other carriage,

(*e*) refuse to give way (when he reasonably and conveniently may do so) to any other carriage,

(*f*) wilfully obstruct or hinder the driver of any other carriage in taking up or setting down any person into or from such other carriage,

(*g*) wrongfully prevent or endeavour to prevent the driver of any other carriage from being hired,

(*h*) demand or take more than the proper fare to which he is legally entitled,

(*i*) refuse to admit and carry in his carriage the number of persons painted or marked on the registered plate affixed to such carriage or specified in the register,

(*j*) carry more than such number of passengers,

(*k*) refuse to carry by his carriage a reasonable quantity of luggage,

(*l*) before he has been discharged by the hirer, (being hired by time), desert from the hiring,

(*m*) ply for hire with any carriage or horse which shall be at the time unfit for public use,

shall be liable to a fine not exceeding ten rupees, and in default of payment of fine to imprisonment for a period not exceeding seven days

Penalty on

37 Any driver employed as such by the owner of any registered hackney

carriage who shall, without sufficient excuse, refuse or neglect to attend at the premises of such owner for the purposes of driving any such carriage whereby such owner is prevented from letting out the same shall on complaint by such owner, be liable for each offence to a fine not exceeding ten rupees (which or any part of which may, by order of the Magistrate be paid to the owner as compensation), and in default of payment of fine to imprisonment for a period not exceeding seven days. *driver for refusing to attend at premises of owner.*

38. (1) When a complaint is made before a Magistrate against the driver of a registered hackney carriage for any offence committed by him against the provisions of this Act such Magistrate may forthwith summon the owner of the carriage personally to appear and to produce the driver of such carriage to answer the complaint. *Owner may be summoned to appear before Magistrate and to produce driver.*

(2) If such owner, being duly summoned shall, without a reasonable excuse, neglect or refuse personally to appear or to produce the driver according to such summons, he shall be liable to a fine not exceeding fifty rupees and so from time to time as often as he shall be so summoned until such driver shall be produced by him. *Penalty for neglecting to appear or to produce driver.*

Provided that if such owner shall without a reasonable excuse, neglect or refuse to appear and produce such driver on the second or any subsequent summons requiring him so to do, it shall be lawful for the Magistrate to proceed to hear and determine the complaint in the absence of the owner and driver, or either of them. *Magistrate to hear and determine complaint on failure to appear.*

39. (1) If any person who shall have hired a registered hackney carriage shall refuse to pay to the owner or driver thereof on demand the fare payable under this Act it shall be lawful for the Magistrate to order payment of such fare and also of such compensation for loss of time as shall seem reasonable and in default of payment such fare and compensation may be recovered in the same way as a fine. *Procedure on refusal to pay fares.*

(2) If any person who shall have used any such carriage shall attempt to evade payment of the fare or any portion of the same which he may be deemed liable to pay, he shall be liable to a fine not exceeding fifty rupees, or to imprisonment for a period not exceeding one month, in addition to the payment of such fare and compensation as hereinbefore mentioned. *Penalty for fraudulent evasion.*

40. (1) Any person who shall maliciously or knowingly tear, destroy, deface, obliterate or remove any carriage plate, table of fares or driver's ticket which shall have been granted under the provisions of this Act, shall be liable for every such offence to a fine not exceeding twenty rupees, and in default of payment of fine to imprisonment for a period not exceeding fourteen days. *Penalty for destroying carriage plate, etc.*

(2) Any portion of the fine may be awarded to the person to whom such carriage plate, table of fares or driver's ticket shall belong. *Award of fine to owner of carriage plate, etc.*

Penalty for wilful injury to carriage

41 Any person using a registered hackney carriage who shall wilfully injure the same shall be liable to a fine *not exceeding twenty rupees*, and in default of payment of fine to imprisonment for a period not exceeding four teen days, and shall also pay to the owner of the carriage such compensation for the injury as the Magistrate may direct

Disputes how to be settled

42 In case of any dispute between the hirer and driver of any registered hackney carriage, the hirer may, if any Magistrate be then sitting, require the driver to drive to the Court of such Magistrate, or, if no Magistrate be then sitting, to the Registering Officer, and if any driver shall refuse to obey such requisition, it shall be lawful for the hirer to give such driver into the custody of the nearest police officer, such police officer shall thereupon take the driver and the hirer together with the carriage and horse to such Court or Registering Officer and the then sitting Magistrate or Registering Officer shall in either of the cases aforesaid hear and determine the dispute in a summary way

Table of distances signed by Registering Officer conclusive

43 *In the case of disputes as to the fare to be calculated according to the* distance, any table or book signed by the Registering Officer shall, on proof of such signature, be taken to be conclusive evidence of the distances therein stated

Hackney carriage may ply for hire as stage carriage

44 (1) It shall be lawful for any registered hackney carriage to ply for hire as a stage carriage

Fares for stage carriages how to be determined

(2) The owner or driver of a carriage so plying for hire or hired as a stage-carriage, shall not be subject to the provisions of section 31 of this Act, but shall be entitled to demand and take for the hire of such carriage such fares as shall be agreed upon between him and the several hirers respectively

Hackney carriages plying as stage carriages subject to provisions of Act

(3) All the other provisions of this Act shall be applicable to the case of a hackney carriage plying as a stage carriage, so far as the same shall be applicable in each particular instance

Stands to be appointed

45 (1) The Registering Officer shall from time to time appoint one or more stands in Calcutta [1] for hackney carriages registered under this Act, and may also assign for the use of such carriages, as public stands, any coach houses, stables or sheds, or other suitable places

Stands to have boards affixed in front of them

(2) Every public stand so appointed or assigned shall have a board affixed, in a conspicuous place in front thereof, containing a notice in the English, Urdu and Bengali languages,[2] [or such other languages as the Local Govern-

[1] *For* the word Calcutta *read* the names of the towns or places to which this Act has been extended under s 1 (3)—*see* s 61 (2) *post* p 284

[2] These words in square brackets in s 45(2) are inserted in accordance with s 61 (2), *post*, p 2[illegible]

ment[1] may, by notification in the Calcutta Gazette,[2] prescribe], that the stand is a public stand under this Act.

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CHAPTER VII.

PALANQUINS.

Palanquins to be registered annually. 46. (1) Every palanquin plying for hire in Calcutta[3] shall be annually registered by the Officer appointed for registering hackney carriages at the time and in the manner hereinbefore provided with respect to the registration of hackney carriages.

Fee for registration. (2) Upon each registration a fee of eight annas shall be paid:

Refusal to register palanquins. Provided that the Registering Officer may refuse to register any palanquin or may cancel the registration thereof whenever it may appear to him to be unserviceable or unfit for public use.

Particulars of register. 47. (1) The following particulars shall be entered in the register, namely:—

(a) the number of the palanquin;

(b) the name and residence of the owner.

Change of ownership or residence to be notified. (2) Every change of ownership or residence shall be notified to the Registering Officer, subject to the same provisions and penalties in default as are provided in the case of the owners of hackney carriages.

Registered number to be painted on palanquin. 48. (1) The owner of every registered palanquin shall cause the registered number thereof to be painted in the English and Bengali figures on a conspicuous part thereof.

Penalty for neglecting to register palanquin. (2) The owner of any palanquin plying for hire without being registered or having the number affixed thereto as aforesaid shall be liable to a fine not exceeding ten rupees.

"Owner" of palanquin. (3) The person in whose name a palanquin is for the time being registered shall be deemed the owner thereof for the purpose of this Act.

Owner to keep list of fares inside palanquin. 49. The owner of every palanquin shall put up and at all times keep distinctly printed, painted or marked in the English, Urdu and Bengali languages, [4][or such other languages as the Local Government[1] may, by notification in the Calcutta Gazette,[2] prescribe] in such manner and in such position as shall be directed by the Registering Officer on the inside of such palanquin

(1) Now the Local Government of Eastern Bengal and Assam, see the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3 and Sch. D, Pt. I, cl. I, in Vol. I, pp. 623, 624.

(2) Now the E. B. and A. Gazette, see the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3 and Sch. D, Pt. I, cl. VII, in Vol. I, pp. 623, 625.

(3) For the word "Calcutta" read the names of the towns or places to which this Act has been extended under s. 1 (3),—see s. 61 (2), post, p. 283.

(4) These words in square brackets in s. 49 are inserted in accordance with s. 61 (2), post, p. 284.

the amount of fare according to distance and time which may be legally demanded and taken from the hirer of such palanquin

Fares to be paid for palanquins

50 (1) The owner or person in charge of every palanquin shall be entitled to demand and take for the hire of such palanquin the fares specified in the second schedule to this Act

Proviso

Provided that when the owner or person in charge of any palanquin to be paid a fare calculated according to the distance shall be required by the hirer thereof to stop such palanquin for fifteen minutes, or for any longer time, it shall be lawful for the owner or person in charge to demand and receive from the hirer so requiring him to stop a further sum of one-fourth of the rate for the first hour, for every fifteen minutes that he shall have been so stopped

Back fare not to be demanded.

(2) No owner or person in charge of a palanquin shall demand or receive over and above the said fare any sum for back hire for the return of the palanquin from the place at which it was discharged

Contract for lower fares to be binding

Provided that any contract entered into to accept a fare lower than the fare so fixed shall be binding

Bearers of palanquins to have licenses

51 (1) It shall not be lawful for any person to act as the bearer of a registered palanquin, unless such person shall have obtained a license from the Registering Officer in the manner hereinbefore prescribed for drivers of hackney carriages

Provisions relating to hackney carriages applicable to palanquins

(2) All the provisions of this Act in any way relating to the taking out, granting, renewing, producing or using the licenses, or to the issuing, granting, wearing or using tickets granted to drivers of hackney carriages, shall be applicable in like manner to the bearers of palanquins

Fee for license

(3) For every license to act as a palanquin bearer granted under this Act there shall be paid a fee of eight annas

Distance bearers bound to carry palanquins

52 (1) The bearers of every palanquin registered under this Act shall (unless they have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) carry such palanquin to any place to which they shall be required by the hirer thereof to carry the same, not exceeding five miles from the place where the same shall have been hired

Speed when hired by time

(2) If such palanquin shall have been hired by time, the bearers thereof may be required to carry it at any rate not exceeding two and a half miles within one hour

Fare by distance may be demanded in addition to fare by time

(3) Whenever the bearers of such palanquin shall be required to carry it *more than two and a half miles within one hour, they shall be entitled to* demand, in addition to the fare regulated by time in the second schedule to this Act for every mile or any part thereof exceeding two and a half miles, the fare regulated by distance as set forth in the said schedule

Provisions regarding owners and drivers of hackney carriages

(4) All and every of the provisions of this Act as to offences committed by or against the owners and drivers of hackney carriages and the penalties in respect of the same and recovery thereof, and all the remedies by or against hirers, owners or drivers of hackney carriages, and all and several of the remedies

given to hirers, owners and drivers of hackney-carriages, except the provisions contained in section 38, shall be applicable so far as the same may reasonably be applied, to the owners and bearers of palanquins applicable to owners and bearers of palanquins.

CHAPTER VIII

By-laws

53 (1) The Commissioners [1] in meeting may from time to time make by-laws, not inconsistent with the provisions of this Act, with regard to— Commissioners in meeting may make by laws

(a) the examination and qualification of drivers, and the conditions under which they may be employed,

(b) the description of horses, harness, and other things to be used in hackney-carriages, the dimensions of such carriages, and the condition in which such carriages, and the horses, harness and other things used therewith shall be kept,

(c) the inspection of the premises on which any such carriages, horses, harness and other things are kept,

(d) the protection of weak, lame and sickly horses,

(e) the publication of a table of distances, and generally for carrying out the purposes of this Act

(2) The Commissioners [1] in meeting may from time to time repeal, alter or add to any by-law made under this section By laws may be repealed or altered

(3) No by law, and no repeal or alteration of, or addition to, any by-law, shall have effect until the same has been confirmed by Local Government [2] By laws when to take effect

(4) Every by-law, and every repeal or alteration of, or addition to, any by-law when confirmed, shall be published in the Calcutta Gazette [3] By laws to be published in Gazette

54 Whoever infringes any by law made and confirmed shall be liable to a fine not exceeding twenty rupees Penalty for infringement of by laws

CHAPTER IX

Prosecutions

55 (1) Every prosecution under this Act may be instituted before any Magistrate having jurisdiction, who may summon the persons charged to Prosecutions to be instituted before Magistrate

appear at a time and place to be mentioned in the summons , and, if such person do not appear, the Magistrate may, upon proof of service of the summons if no sufficient cause shall be shown for the non-appearance of the person charged, proceed to hear and determine the case in his absence

Procedure in case of prosecutions (2) If such person do appear, then the procedure laid down in the Code of Criminal Procedure of 1882, [1] from section 242 to section 248 shall be followed 10

Fines how to be levied (3) All fines imposed by a Magistrate under this Act shall be levied under the provisions of sections 386, 387, 388 and 389 of the said Code [1]

Liability to fine when incurred 56 (1) No person shall be liable to any fine under this Act for any offence cognizable by a Magistrate, unless the complaint respecting such offence shall have been made within three months next after the commission of such offence

(2) The omission to register any hackney carriage or palanquin or to take out a license shall be deemed to be a continuing offence

Damage to property of Commissioners to be paid for 57 (1) If through any act, neglect or default on account whereof any person shall have been fined under this Act, any damage to the property of the Commissioners [2] shall have been committed by such person, he shall be liable to make good such damage as well as to pay such fine

Amount of damage to be determined by Magistrate (2) The amount of such damage shall be determined by the Magistrate by whom such person has been fined, and in default of payment of the amount of such damage on demand, the same may be levied in the same manner as a fine

Compensation for groundless prosecution 58 In any case in which a Magistrate is satisfied that a complainant had no reasonable ground for instituting a prosecution, it shall be lawful for such Magistrate to direct the complainant to pay to the accused such compensation not exceeding fifty rupees as he thinks fit , and the sum so awarded shall be recoverable as if it were a fine

CHAPTER X

Miscellaneous

Property left in carriage or palanquin to be deposited in police station 59 (1) The driver of every hackney carriage and the bearers of every palanquin within the limits of this Act, wherein any property shall be left by any person shall, within twenty four hours, carry such property, if not sooner claimed by the owner thereof, to the nearest police station, and shall there deposit it with the Inspector or other officer on duty, and demand a receipt for it duly signed by the officer taking charge of the same

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(2) Any such driver or bearer making default herein shall be liable to a fine not exceeding fifty rupees, and in default of payment of fine to imprisonment for a period not exceeding one month. Penalty for neglecting to do so.

(3) The said officer shall forthwith enter in a book to be kept for that purpose— Police officer to enter particulars in book, and grant receipt.

(*a*) the description of such property;

(*b*) the name and address of the driver or bearer who shall bring such property;

(*c*) the day and hour on which it shall be brought;

(*d*) the name and address of the owner of the hackney carriage or palanquin in which the property shall have been left and the registered number of such carriage or palanquin, and shall give the person a receipt for the same.

(4) The property so entered shall be returned to the person who shall prove to the satisfaction of the Commissioner of Police[1] that the same belonged to him, such person previously paying all expenses incurred, together with such reasonable sum to the driver or bearers who brought the same as the said Commissioner shall award: Property to be returned to owner.

Provided always that, if such property shall not be claimed by, and proved to belong to, some one within one year after the same shall have been deposited, the said Commissioner shall cause such property to be sold, or otherwise disposed of, and the proceeds, after deducting the expenses, together with a reasonable sum to the driver or bearers, shall be applied in the same manner as fees and penalties received under this Act. When such property may be sold and how proceeds may be applied.

60. All fees and fines levied under this Act shall be credited in the first instance to a fund to be called the "Hackney carriage Fund," which shall be employed in carrying out the purposes of this Act, Fees and fines how to be dealt with.

[*and in the event of one or more municipalities being included in Calcutta by virtue of a notification published under section 4, then such fund shall yearly be divided between the Calcutta Municipality and such other municipality or municipalities in such proportion as the Local Government may determine, each municipality employing the sum so appropriated to it to carrying out the purposes of this Act.*]

61. (1) Whenever this Act shall be extended to any other town or place under section 1, the Local Government[2] may appoint persons either by name or by official designation to perform the duties imposed and exercise the powers conferred, by this Act on the Commissioners and the Chairman of the Commissioners. Appointment of officers when Act extended beyond Calcutta.

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[1] S. 61 (*post* p.) does not extend to this reference, but see the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 5, in Vol. I, p. 623.

[2] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3 and Sch. D, Pt. I, cl. I, in Vol. I, pp. 623, 624.

Modifications in Act when extended beyond Calcutta

(2) And in each town or place to which this Act may be extended,

for the word " Calcutta " in sections 5, 45 and 46 shall be read the name of such town or place, and

after the word " languages " in sections 32, sub section (1), 45, sub section (2), and 49 shall be read " or such other languages as the Local Government may, by notification in the Calcutta Gazette, prescribe," and

for the words " 41 of the Calcutta Municipal Consolidation Act, 1888," in section 5, sub section (3), shall be read the words " 46 of the Bengal Municipal Act, 1884 "

Ben 188[illegible]

Ben 188[illegible]

FIRST SCHEDULE

(*referred to in section* 31)

RATES AND FARES TO BE PAID FOR HACKNEY-CARRIAGES

Description of carriage	Fare by Distance: For any distance within and not exceeding one mile	Fare by Distance: For any distance exceeding one mile	Fare by Time: For any time within and not exceeding one hour	Fare by Time: For every hour or part of an hour beyond one hour (Third: For the second hour and for the third hour or for any part of either)	Fare by Time: (Third: For every hour or part of an hour beyond the third hour)	For half a day or five hours	For a whole day consisting of nine hours	For every hour or part of an hour after the ninth hour
[illegible]	[illegible]	At the rate of 6 annas [illegible] comp[illegible]	1 rupee	8 annas			5 rupees	8 annas
Second ,	6 annas	At the rate of 4 annas for every mile and for any part of a mile over and above any number of miles completed	12 annas	6 [illegible]		2 rupees	3 rupees and 8 annas	6 annas
Third ,	3 annas	At the rate of 2 annas for every mile and for any part of a mile over and above any number of miles completed.	6 [illegible]	4 annas	3 annas		2 rupees	3 annas

The above fares to be paid according to time unless at the commencement of the hiring the hirer expresses his intention of paying according to distance In the case of a second class carriage, the hirer cannot avail himself of the half day or whole day, rate unless at the time of hiring he engages the carriage for the half day or whole day as the case may be

(Second Schedule)

SECOND SCHEDULE

(referred to in section 50)

RATES AND FARES TO BE PAID FOR PALANQUINS

FARE BY DISTANCE		FARE BY TIME			
For any distance within and not exceeding one mile	For any distance exceeding one mile	For any time within and not exceeding one hour	For every hour or part of an hour beyond one hour	For half a day or five hours	For a whole day consisting of ten hours
3 annas	At the rate of 3 annas for every mile and for any part of a mile over and above any number of miles completed	6 annas	3 annas	1 rupee	1 rupee and 8 annas

The above fares to be paid according to distance or time at the option of the hirer to be expressed at the commencement of the hiring If not otherwise expressed the fare to be paid according to time

APPENDIX.—*List* [1] *of places in Eastern Bengal in which the Calcutta Hackney carriage Act,* 1891 (*Ben Act* 2 *of* 1891) *is in force*

1	2	3	4	5
District	Places	Date of notification	Gazette in which notification published	Date appointed by the notification for the Act taking effect
Bakarganj	Barisal Municipality	9th October 1903	Calcutta Gazette 1903 Part I B p [illegible] 3	9th October 1903
Chittagong	Chittagong Municipality	6th October 1893	Calcutta Gazette 1893 Part I B p 167	
Dacca	Narayanganj Municipality	26th August 1907	E B and A Gazette 190 Part II p 2097	26th August 1907
Faridpur	Faridpur Municipality	13th December 1898	Calcutta Gazette 1898 Part I B p [illegible]	13th December 1898
Mymensingh	Muktagachha Municipality	23rd July 1904	Calcutta Gazette 1904, Part I B p 180	23rd July 1904
	Nasirabad (Mymensingh) Municipality	10th July 1893	Calcutta Gazette 1893 Part I B p 117	10th July 1893
	Tangail Municipality	6th May 1902	Calcutta Gazette 1902 Part I B p 101	6th May 1902
Rajshahi	Nator Municipality	5th December 1907	E B and A Gazette 1907 Part II p 7032	5th December 1907
Ditto	Rampur Boalia Municipality	3rd July 1893	Calcutta Gazette 1893 Part I B p 111	3rd July 1893
Rangpur	Rangpur Municipality	14th May 1889	Calcutta Gazette 1889 Part I B p 111	1st June 1889
Tippera	Comilla Municipality	18th April 1901	Calcutta Gazette 1901 Part I B p 75	18th April 1901

[1] This list has been revised up to the 8th January 1909 Ben Act 2 of 1891 has been extended to all the places entered in this list (except the Rangpur Municipality) by notification under s 1 (3) *ante* p 267 In the Rangpur Municipality the Act is in force by virtue of s 2 (2) *ante* p 237 Ben Act 5 of 1866 having been extended thereto by notification under s 54 thereof

BENGAL ACT 1 OF 1892 [1]

[THE BENGAL VILLAGE CHAUKIDARI (AMENDMENT) ACT, 1892]

[19th October, 1892]

An Act to further amend the Village-chaukidari Act, 1870. [2]

WHEREAS it is expedient to further amend the Village chaukidari Act, 1870 [2], It is enacted as follows — Preamble

1. This Act shall be read with, and taken as part of, Bengal Act 6 of 1870 [2] as amended by Bengal Act 1 of 1871 [3] and Bengal Act 1 of 1886 [4], and it shall extend to all districts in which the said Act so amended is now or may be hereafter in force Construction and extent

2. (1) [*Repeal of definition of "Magistrate" in Bengal Act 6 of 1870, s. 1*] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

(2) Except as is otherwise provided in this Act, for the words "Magistrate of the District" and for the word "Magistrate," so often as they occur respectively in the Village chaukidari Act, 1870, [2] as amended by Bengal Act 1 of 1871 [3] and Bengal Act 1 of 1886 [4], the words "District Magistrate" shall be substituted "District Magistrate" substituted for "Magistrate of the District" and "Magistrates"

(3) In section 64, the words "and Magistrates" shall be omitted, and for the words "Magistrates of Districts" the words "District Magistrate" shall be substituted

3 For section 3 * * * [5] the following shall be substituted —

3 [Printed in Vol II, p 105]

4 After section 3 the following section shall be inserted —

3A [Printed in Vol II, p 106]

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[1] SHORT TITLE —This short title was given by the Repealing and Amending Act, 1903 (1 of 1903) Sch II—*see* Vol I, p 608

LEGISLATIVE PAPERS —For Statement of Objects and Reasons see Calcutta Gazette 1892 Pt IV, p. 1, for Report of Select Committee, *see ibid*, p 24, and for Proceedings in [illegible] 768 1151 1293 1488 [illegible] 1710

836", which

5 For section 4 the following shall be substituted —
4 [Printed in Vol II, p 106]

6 [*Partial repeal of section* 5] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

7 For section 11 the following shall be substituted —
11 [Printed in Vol II, p 108]

8 For section 12 the following shall be substituted —
12 [Printed in Vol II, p 109]

9 For section 13 the following shall be substituted —
13 [Printed in Vol II, p 109]

10 For section 14 the following shall be substituted —
14 [Printed in Vol II, p 109]

11 For section 35 the following shall be substituted —
35 [Printed in Vol II, p 112]

12 [*Repeal of sections* 36 *and* 37] *Rep by the Repealing and Amending Act* 1903 (1 *of* 1903)

13 For section 39 the following shall be substituted —
39 [Printed in Vol II, p 113]

14 For section 42 the following shall be substituted —
42 [Printed in Vol II, p 114]

Amendment of section 43

15 In section 43, for the words " or person as the Magistrate shall appoint, " the words " as the Local Government may by rules made under this Act prescribe or direct," shall be substituted

Amendment of section 44

16 In section 44, for the words ' as the Magistrate may appoint," the words " as the Local Government may prescribe or direct," shall be substituted

17 For section 46A the following shall be substituted —
46A [Printed in Vol II, p 116]

18 For section 62 the following shall be substituted —
62 [Printed in Vol II, p 119]

19 For Schedule B the following shall be substituted —
Sch B [Printed in Vol II, p 122]

[BENGAL ACT 4 OF 1894]

[THE BENGAL MUNICIPAL (AMENDMENT) ACT 1894]

CONTENTS

SECTION

SECTION

BENGAL ACT 4 OF 1894

[THE BENGAL MUNICIPAL (AMENDMENT) ACT, 1894] [1]

[15th *August*, 1894]

An Act to amend the Bengal Municipal Act, 1884.[2]

WHEREAS it is expedient to amend Bengal Act 3 of 1884[2], It is hereby enacted as follows —

Construction. 1 This Act shall be read with, and taken as part of, Bengal Act 3 of 1884[2], and

[Commencement] Rep by the Repealing and Amending Act, 1903 (1 *of* 1903)

Amendment of section 2. 2 (1) In section 2, after the words "commenced under this Act" the following shall be added, namely —

[Printed *ante*, p 39]

(2) In the same section, for the fourth paragraph the following shall be substituted —

[Printed *ante*, p 39]

New definition added to section 6. 3 In section 6, after the definition contained in clause (14), the following definition shall be inserted —

(14A) [Printed *ante*, p 41]

New sections substituted for section 9. 4 For section 9 the following sections shall be substituted —

9, 9A, 9B [Printed *ante*, pp 43, 44]

5 [*Repeal of sections* 11 *and* 12] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

Amendment of section 14. 6 In section 14, in the second paragraph, after the word "appointed" the words "either by name or by official designation" shall be added

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[1] SHORT TITLE —This short title was given by the Repealing and Amending Act, 1903 (1 of 1903) Sch I—*see* Vol I p 608

LEGISLATIVE PAPERS —For Statement of Objects and Reasons *see* Calcutta Gazette, 1892 Pt IV, p 20 for Preliminary Report of Select Committee *see ibid* p 27, for further [illegible] uncil [illegible] pplt, [illegible]

[illegible] 14 of [illegible] lated [illegible] Appendix I to this Volume) and is also in force in the [illegible] the extension of the Bengal Municipal Act 1884 (Ben. [illegible] dated the 17th May, 1901, printed in Table B 2 in [illegible]

[illegible] red in the Chittagong Hill tracts by the Chittagong Hill [illegible] 4(2) printed in Vol I, p 754

7 (1) In section 15, after the word "election," at the end of the first sentence, the words "and the authority who shall decide disputes thereunder" shall be inserted * * * * [1] Addition to section 15

(2) At the end of the same section the following shall be added, namely —
[Printed *ante*, p 46]

8 In section 17, in the first paragraph, after the words "by the Local Government" the words "either by name or by official designation" shall be added Amendment of section 17

9 [*Repeal of section* 18] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

10 For section 20 the following shall be substituted, namely — New section substituted for section 20
20 [Printed *ante*, p 47]

11 For section 22 the following shall be substituted — New section substituted for section 22
22 [Printed *ante*, p 48]

12 For section 23 the following shall be substituted — New section substituted for section 23
23 [Printed *ante*, p 48]

13 In section 24, in the second paragraph, before the word "Every" the words "Except as is otherwise provided in this Act" shall be inserted Amendment of section 24

14 After section 25, the following section shall be inserted — New section inserted after section 25
25A [Printed *ante*, p 49]

15 In section 26, for the words "next subsequent appointment or election, not being an appointment or election under the next succeeding section," the words "first meeting of the body of Commissioners newly appointed and elected, at which a quorum shall be present, and any Chairman elected under section twenty three or twenty seven shall be competent to discharge the duties of his office after his election and pending the orders of the Local Government approving of his election' shall be substituted Amendment of section 26.

16 After section 26 the following section shall be inserted — New section inserted after section 26
26A [Printed *ante*, p 50]

17 After section 26A the following section shall be inserted — New section inserted after section 26A
26B [Printed *ante*, p 50]

18 In section 27, after the words "term of office" the words and letter "or shall avail himself of leave granted under section twenty six B" shall be inserted, and after the word "death" the words "or absence on leave" shall be inserted, also at the end of the section the words "or during his absence on leave, as the case may be" shall be added Amendment of section 27.

19 After section 27 the following section shall be inserted — New section inserted after section 27
27A [Printed *ante*, p 50]

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[1] Portion of s 7 (1) which was repealed by the Bengal Municipal (Amendment) Act, 1896 (Ben Act 2 of 1896), s. 19, is omitted.

Addition to section 28

20 In section 28, at the end thereof, the following shall be added —
[Printed *ante*, p 51]

New section inserted after section 29

21 After section 29, the following section shall be inserted —
29A [Printed *ante*, p 51]

Amendment of section 30

22 In section 30, in the first line after the word "roads" the words "including the soil and all" shall be inserted, and in the second and third paragraphs of the same section, after the words "from the operation of this Act" the words "or of any specified section of this Act" shall be inserted

New section inserted after section 37

23 After section 37, the following sections shall be inserted —
37A to 37M [Printed *ante*, pp 54 to 58]

Addition to section 38

24 To section 38 the following paragraph shall be added —
[Printed *ante*, p 58]

Amendment of section 46

25 In section 46, after the word "Engineer" the word "or" shall be omitted, and after the words "Health Officer" the words "or Assessor" shall be inserted

Amendment of section 57

26 In section 57, in the first paragraph the words "by himself or through others" shall be omitted, and for the words "made with the Commissioners" the words "of any kind whatsoever to which the Commissioners are a party or shall hold any office of profit under them" shall be substituted, after the words "such share or interest" the words "or shall hold such office" shall be inserted, and after the word "rupees" the words "Provided that" shall be inserted

New section substituted for section 58.

27 For section 58 the following shall be substituted —
58 [Printed *ante*, p 62]

Amendment of section 59.

28 In section 59, in clause (*a*), after the words "section twenty three" the words "or twenty seven" shall be inserted

New section inserted after section 66.

29 After section 66, the following section shall be inserted —
66A [Printed *ante*, p 65]

Amendment of section 68

30 (1) In section 68, in the first line, before the words "The Commissioners" the words "Except as is otherwise provided in this Act" shall be inserted

(2) In clause (*c*) of the same section, the word "and" shall be omitted, and after the word "treasury" the words "and towards the salary of any special officer who may be appointed under section eighty two" shall be inserted

(3) In the proviso to clause (*c*) of the same section, after the word and letter "clause (*c*)" the words "otherwise than as the salary of a special officer appointed under section eighty-two" shall be inserted

31 [*Amendment of section 69*] *Rep by the Bengal Municipal (Amendment) Act, 1896 (Ben Act 2 of 1896)*

32 In section 76, the words " or sanction it after making such alterations therein as may seem to him fit " shall be omitted, and after the word " Division " and before the word " Provided " the following shall be inserted — Amendment of section 76

[Printed *ante*, p 69]

33 For section 82 the following shall be substituted — New section substituted for section 82

82 [Printed *ante*, p 70]

34 In section 85, for the words " but not " the word " or " shall be substituted, in clause (*b*) the word " all " shall be omitted, [*after the words* " *the* [1] [*municipalities*] *of* " *and before the word* " *Dacca* " *the words* " *Howrah, Patna* " *shall be inserted*], and the following proviso shall be added — Amendment of section 85

" Provided that both the taxes shall not be in force at the same time in the same word "

35 In section 86, in clause (*d*), for the word " six ' the words " seven and a half," and for the ward " five " the word " six " shall be substituted Amendment of section 86

Of the Tax on Persons

36 In section 87, in the last paragraph, the words " of arable lands or " shall be omitted, and at the end thereof the words " or in respect of the occupation of any public burial or burning ground registered under section two hundred and fifty four " shall be inserted Amendment of section 87

37 In section 89, for the word " is " after the word " which " the words " contains any building " shall be substituted, for the words " and used for the purposes of a public building " the words " * * * [2] or of a local authority " shall be substituted, and at the end thereof the words ' * * * [3] or the local authority concerned " shall be inserted Amendment of section 89

Of the Rate on Holdings

38 In section 97, for the word " three " the word ' five " shall be substituted Amendment of section 97.

39 After section 97 the following section shall be inserted — New section inserted after section 97

97A [Printed *ante*, p 75]

40 To section 98 the following paragraph shall be added — Addition to section 98

[Printed *ante*, p 75]

41 In section 99, after the words " authorized by them " the words " in writing " shall be inserted, and the following proviso shall be added — Amendment of section 99.

[Printed *ante*, p 76]

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[1] This word municipalities , in s. 34, was substituted for the word " mun cipality by [illegible] —see in Vol I p 621

[illegible] were repealed by Ben. Act 6 of

[illegible] ch were repealed by Ben. Act 6

42. [*Amendment of section* 101 *as to Darjeeling Municipality*.] *Omitted, as being inapplicable to Eastern Bengal or Assam*.

New section inserted before section 112. 43. Immediately before section 112 the following section shall be inserted:—
111A. [Printed *ante*, p. 79.]

Addition to section 113. 44. To section 113 the following paragraph shall be added:—
[Printed *ante*, p. 79.]

Amendment of section 114. 45. In section 114, for the word "Chairman" the words "Commissioners at a meeting" shall be substituted, and after the word "after" the words "taking such evidence and" shall be inserted.

46. [*Amendment of section* 116.] *Rep. by the Repealing and Amending Act*, 1903 (1 *of* 1903).

Amendment of section 121. 47. In section 121 for the last paragraph the following shall be substituted:—
[Printed *ante*, p. 81.]

Addition to section 125. 48. To section 125 the following paragraph shall be added:—
[Printed *ante*, p. 82.]

Amendment of section 127. 49. In section 127, for the words "goods or chattels" the words "movable property" shall be substituted; for the word, "personal," wherever the same occurs, the word "movable" shall be substituted; and for the word "whatsoever" the words "exercising jurisdiction within the territories administered by the Lieutenant-Governor of Bengal" shall be substituted.

New section inserted after section 141. 50. After section 141 the following section shall be inserted:—
141A. [Printed *ante*, p. 86.]

51. *Repeal of the words "or the Suburbs of Calcutta," in section* 142 (c).] *Rep. by the Repealing and Amending Act*, 1903 (1 *of* 1903).

New section inserted after section 147. 52. After section 147 the following section shall be inserted:—
147A. [Printed *ante*, p. 88.]

Amendment of section 186. 53. In section 186, after the word "required" the words "by them" shall be inserted.

Amendment of section 187. 54. In section 187, after the word "remove" and before the word "offensive" the words "sewage and" shall be inserted.

Amendment of section 199. 55. In section 199, after the word "convenient" the word "wells" shall be inserted, and for the last paragraph the following shall be substituted:—
[Printed *ante*, p. 99.]

New section inserted after section 199. 56. After section 199 the following section shall be inserted:—
199A. [Printed *ante*, p. 99.]

New section substituted for section 200. 57. For section 200 the following shall be substituted:—
200. [Printed *ante*, p. 100.]

58 For section 208 the following section shall be substituted —
208 [Printed *ante*, p 102]
New section substituted for section 208

59 For section 210 the following section shall be substituted —
210 [Printed *ante*, p 103]
New section substituted for section 210

60 After section 210 the following section shall be inserted —
210A [Printed *ante*, p 103]
New section inserted after section 210

61 In section 212, after the word "section" the words "one hundred and seventy five and" shall be inserted
Amendment of section 212

62. In section 217, in clause (4), after the words "one hundred and ninety nine" the words and letter "or one hundred and ninety nine A" shall be inserted
Amendment of section 217

63 In section 218, after the words "two hundred and four" the words "two hundred and six, two hundred and seven" shall be inserted
Amendment of section 218

64 In section 219, after the words "two hundred and ten" the words and letter "two hundred and ten A" shall be inserted
Amendment of section 219

65 To section 220 the following proviso shall be added —
[Printed *ante*, p 105]
Addition of proviso to section 220

66 After section 223 the following section shall be inserted —
New section inserted after section 223

Of a Survey

223A [Printed *ante*, p 106]

67 In section 236, after the words "meeting may" the words "by an order published in the manner prescribed in section three hundred and fifty four" shall be inserted
Amendment of section 236

68 For sections 237 to 241 the following sections shall be substituted —
237 to 241 [Printed *ante*, pp 109 to 111]
New sections substituted for sections 237 to 241

69 For section 242 the following section shall be substituted —
242 [Printed *ante*, p 111]
New section substituted for section 242

70 After section 242 the following section shall be inserted —
242A [Printed *ante*, p 112]
New section inserted after section 242

71 In section 243 after the word "without" the words "one month's" shall be inserted, after the words "front of" the words "each line" shall be inserted, and for the words "each line" the words "every two lines" shall be substituted
Amendment of section 243

72 After section 256 the following sections shall be inserted —
256A, 256B [Printed *ante*, p 117]
New sections inserted after section 256

73 After section 260 the following section shall be inserted —
260A [Printed *ante*, p 118]
New section inserted after section 260

Amendment of section 261 — 74 (1) In section 261, after the words "as a shop for the sale of meat" the words "as a place for the storage of rags or bones or both" shall be inserted

(2) For the last paragraph of the same section the following shall be substituted —

[Printed *ante*, p 119]

Addition of proviso to section 262 — 75 To section 262 the following proviso shall be added —

[Printed *ante*, p 119]

New section inserted after section 262 — 76 After section 262 the following section shall be inserted —

262A [Printed *ante*, p 119]

77 [*Amendment of section* 263] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

Amendment of section 270 — 78. In section 270, after clause (4), the following shall be added —

(5) [Printed *ante*, p 121]

Amendment of section 271 — 79 In section 271, after the word "sections" the words "two hundred and twenty four" shall be inserted, after the words "two hundred and twenty-five" the words "two hundred and twenty seven" shall be inserted, and for the words "or two hundred and thirty one" the words "two hundred and thirty one or two hundred and thirty eight" shall be substituted

Amendment of section 273 — 80 In section 273, in clause (1), before the words "or two hundred and forty-one" the words "two hundred and thirty eight" shall be inserted, and in clause (2) the following shall be added —

[Printed *ante*, p. 122]

New section substituted for section 279 — 81 For section 279 the following shall be substituted —

279 [Printed *ante*, p 123]

New section substituted for section 290 — 82 For section 290 the following shall be substituted —

290 [Printed *ante*, p 126]

83 [*Omission from section* 294] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

Amendment of section 307 — 84 In section 307, after the words "maintaining the water works" the words "in the payment of such a proportionate share of the cost of collection and of general supervision as the Commissioners in meeting may from time to time direct" shall be inserted

New section inserted after section 318 — 85 After section 318 the following section shall be inserted —

318A [Printed *ante*, p 132]

The Cleansing of Private Privies and Cesspools

Amendment of section 320 — 86 In section 320, the words "public and" shall be omitted, and for the word "latrines" the words "privies and cesspools" shall be substituted

Amendment of section 321 — 87. In section 321, in the first paragraph, after the word "holdings" the words "containing dwelling houses" shall be inserted

88 For section 322 the following section shall be substituted — New section substituted for section 322
322 [Printed *ante*, p 133]

89 [*Repeal of sections* 327 *and* 328] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

90 After section 334 the following section shall be inserted — New section inserted after section 334
334A [Printed *ante*, p 135]

91 In section 339, after the word "Commissioners" the words "shall, as regards markets lawfully established at the time of the extension of this Part to the municipality, and in all other cases" shall be inserted Amendment of section 339

92 After section 349 the following sections shall be inserted — New sections inserted after section 349

PART XIA —*Extinction and Prevention of Fire*

349A, 349B [Printed *ante*, p 138]

93 In section 350, for the words "giving effect to the objects of this Act" the following shall be substituted — Amendment of section 350
(*a*), (*b*), (*c*) *to* (*f*) [Printed *ante*, pp 139, 140]

94 After section 350 the following section shall be inserted — New section inserted after section 350
350A [Printed *ante*, p 140]

95 In section 351 the last paragraph shall be omitted, and at the end thereof the following paragraph shall be added — Amendment of section 351.
[Printed *ante*, p 141]

96 After section 351 the following section shall be inserted — New section inserted after section 351
351A [Printed *ante*, p 141]

97 In section 353, for the word "three", each time it occurs the word "six" shall be substituted Amendment of section 353

98. In section 365, after the word 'Act' the words "or any by law made in pursuance thereof" shall be inserted and at the end thereof the following words shall be added — Addition to section 365
[Printed *ante*, p 145]

99 In the Fifth Schedule, after the words and figures — Addition to Schedule V

	Rs	A
"For every 4 wheeled carriage drawn by one horse or a pair of ponies under thirteen hands	3	0"

the words and figures following shall be inserted —

"For every 4 wheeled carriage drawn by one pony under thirteen hands	2	8"

BENGAL ACT 1 OF 1895

(THE PUBLIC DEMANDS RECOVERY ACT, 1895)

CONTENTS

BENGAL ACT 1 OF 1895[1]

(THE PUBLIC DEMANDS RECOVERY ACT, 1895)

[*29th May*, 1895]

An Act to amend the law relating to the Recovery of Public Demands.

Preamble — WHEREAS it is expedient to amend the law for the recovery of Public Demands, It is hereby enacted as follows —

Short title — 1. (1) This Act may be called the Public Demands Recovery Act, 1895.

Extent — (2) It extends to all the territories for the time being [2] administered by the Lieutenant Governor of Bengal [*with the exception of the district of Angul*]

(3) [*Commencement*] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

Construction — 2 The powers given by this Act shall be deemed to be in addition to, and not in derogation of, any powers conferred by any Act now * * [3] in force

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[illegible] Reasons, *see* Calcutta Gazette, 1895 Pt. IV, p 20, and for 1895, Supplt, pp 147, 323, 420 a d 49[illegible]

LOCAL EXTENT — This Act extends to the former Province of Bengal, and therefore to Eastern Bengal—*see* s. 1 (2).

The application of the Act is barred in the Chittagong Hill tracts by the Chittagong Hill tracts Regulation 1900 (1 of 1900), s 4 (2), printed in Vol. I, p 754

ANNOTATED REPRINT — For an annotated reprint of this Act, *see* the Certificate Manual, 1904, pp 1 to 17

[illegible] Bengal Board of Revenue for the [illegible]) *et seq*

[illegible] very of Government dues, *see* the [illegible]

For headings of register of requisitions for certificates under this Act, to be kept by each Registering Officer issuing notice under s. 9 of the Act, *see* the Register and Return Manual 1902 p 9

For headings of register of certificates made under the Act, to be kept by the Certificate Officer *see ib* p 10

[illegible] of annual reports as to [illegible]

[illegible] Records Manual, 1902, pp. 20 21

As to the inspection of work done under the Act, *see* the Inspection Manual, 1902, pp. 45 to 48

[illegible] Act in certain cases, [illegible] Vol. II, p 459

[illegible] the transfer of that [illegible] gal and Assam Laws [illegible]

[illegible] Demands Recovery [illegible]

for the recovery of any due debt or demand to which the provisions of this Act are applicable

Repeal and savings

3 (1) Act 7 (B C) of 1880 [1] and Act I (B C) of 1891 are hereby repealed, but this repeal shall not affect—

(a) the past operation of the Acts hereby repealed, nor anything duly done or suffered thereunder,

(b) any liability created under the Acts hereby repealed

(2) Every certificate made under any enactment hereby repealed may be enforced under the provisions of this Act

(3) Every reference made to Act 7 (B C) of 1880 [1] or Act I (B C) of 1891 in any Act, notification or written instrument passed, issued or made prior to the passing of this Act shall, so far as it may be practicable, be taken to be made to the corresponding provisions of this Act

Definitions

4 In this Act, unless there be something repugnant in the subject or context,—

(1) "District Collector" means the Chief Officer in charge of the revenue administration of a district,

(2) "Certificate Officer" means—

(a) a District Collector,

(b) any officer appointed by a District Collector, with the sanction of the Commissioner of the Division to perform the functions of a Certificate Officer under this Act,

(c) any officer in charge of a sub division of a district,

(3) "Local Authority" means a [2] [body of Municipal Commissioners] District Board, body of Port Commissioners or other authority legally entitled to, or entrusted by Government with, the control or management of a Municipal or Local Fund

Power to make a certificate in Form No. I

5 In the following cases that is to say —

(1) when, under the provisions of Act 11 of 1859 [3] or Act 7 (B C) of 1868, [4] or any law for the time being in force an estate tenure, or any share of either, has been sold for the recovery of arrears of revenue due thereupon, and after deducting the expenses of such sale the balance of the sale proceeds remaining is insufficient to liquidate the arrears of revenue in discharge of which such sale proceeds may under the aforesaid provisions be applied,

(2) when arrears of revenue due from a farmer on account of an estate held by him in farm are not paid on the latest day of payment fixed under the provisions of section 3 of Act 11 of 1859, [3]

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[1] The Public Demands Recovery Act 1880

[2] These words in square brackets in s 4 (3) were substituted for the words Municipal Committee by the Bengal Public Demands Recovery (Amendment) Act 1897 (Ben. Act I of 1897) s 4 *post* p 308

[3] The Bengal Land revenue Sales Act 1859 It is printed in Vol I p 318

[4] The Bengal Land revenue Sales Act 1868 It is printed in Vol. II p 59

(*Secs* 6, 7)

the Certificate Officer may make under his hand, and in Form No 1 in the Schedule hereto annexed, a certificate of the amount of arrears so remaining unpaid, and may cause the same to be filed in his office

Effect of such certificate

6 (1) Subject to the provisions of this Act, every certificate made under the provisions of the last preceding section shall, as regards the remedies for enforcing the same and so far only, have the force and effect of a decree of a Civil Court, and the Secretary of State for India in Council shall be deemed to be the decree holder, and the person therein named as debtor shall be deemed to be the judgment debtor

Suit in Civil Court to have such certificate cancelled or modified

(2) Such judgment debtor may at any time within six months from the service upon him of notice under section 10, or, if he files a petition of objection under section 12, from the date of the determination thereof, or, if he appeals *under section* [1] *[32], from the date of the decision of such appeal, bring a* suit in the Civil Court to have the said certificate cancelled or modified

Provided that no such suit shall be entertained if such judgment debtor —

(*a*) has omitted to state in his petition of objection, if any, the ground upon which he claims to have such certificate cancelled or modified and cannot satisfy the Civil Court that there was good reason for such omission, and

(*b*) has not paid such arrears to the Certificate Officer within one month after being served with the said notice, or, in any case in which he has filed a petition of objection under section 12, then within fifteen days after such petition has been heard and determined, or, in any case in which an appeal has been preferred under section [1] [32], within fifteen days of the determination of such appeal.

Such certificate when to become absolute

(3) If no such suit is instituted within the said period of six months, or if any such suit having been so instituted is decided against such judgment-debtor, such certificate shall become absolute and shall have to all intents and purposes the effect of a final decree of a Civil Court

Power to make a certificate in Form No 2.

[2] 7 *(1) When any of the following public demands are unpaid by the* person liable to pay the same, that is to say,—

(*a*) any sum of money which by any law [3] for the time being in force is declared to be recoverable or realizable as an arrear of revenue or land revenue, or by the process prescribed for the recovery of arrears of revenue or of the public or Government revenue,

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[1] The figures "32" were substituted and are to be deemed to have always been substituted for the word 'nineteen' by the Bengal Public Demands Recovery (Amendment) Act, 1897 (Ben. Act 1 of 1897) s 5, *post*, p 358

[2] This section was substituted, and is to be deemed to have always been substituted for the original s. 7 by the Bengal Public Demands Recovery (Amendment) Act 1897 (Ben. Act 1 of 1897) s 6, *post* p 358

[3] Such laws are included in the list in the Appendix on page 318 *post.*

(*Sec* 7.)

(*b*) any sum of money due from the sureties of a farmer in respect of the revenue of the estate farmed by him,

(*c*) any fees or costs awarded by a Revenue-authority under any law or any rule having the force of law,

(*d*) any money which is recoverable under [*section* 9 *of Bengal Act* 8 *of* 1862 (*an Act to improve the system of Zamindari Daks in the Provinces subject to the Government of Bengal*) [1]] or section 36 [2] of the Bengal Excise Act, 1878, or which is declared in any enactment [3] now in force—

(*i*) to be a demand or a public demand, or

(*ii*) to be recoverable as arrears of a demand or public demand, or as a demand or public demand, or

(*iii*) to be recoverable under Bengal Act 7 of 1868 (*an Act to make further provision for the recovery of arrears of land revenue and public demands recoverable as arrears of land revenue*) [4],

(*e*) any sum awarded as compensation under section 2 of the said Bengal Act 7 of 1868, [4]

(*f*) in the case of a person to whom the collection of tolls has been farmed under section 8 [5] of the Canals Act 1864, or of the sureties of such person—any sum of money due in respect of such farm,

(*g*) any arrears of revenue or rent payable to the Secretary of State for India in Council from any raiyat or from any person holding any interest in land, pasturage, forest rights, fisheries and the like, whether such interest is or is not transferable,

(*h*) in the case of property which, under the provisions of any law for the time being in force is under the charge of, or is managed by, the Court of Wards or the Revenue authorities on behalf of a private individual—any arrears of rent, or of other demands recoverable as rent [6] whether such arrears became due before or after the management devolved upon such Court or such Authorities

Provided that this clause shall not apply to any arrears of rent at an enhanced rate, unless such enhanced rate has been agreed to by the person liable to pay the same or has been confirmed by a competent Court,

(*i*) any sum payable to a Government Officer or any Local Authority in respect of which the person liable to pay the same has agreed, by a written instrument duly registered, that it shall be recoverable under the provisions of this Act,

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[1] The Bengal Zamindari Dâk Act 1862. It was repealed in Assam by the Repealing and Amending Act 1897 (5 of 1897) and is obsolete in Eastern Bengal.

[2] Printed in Vol. II p 364

[3] Such enactments are included in the list in the Appendix on p 318, *post*

[4] The Bengal Land revenue Sales Act 1868 It is printed in Vol. II, p. 59

[5] Printed in Vol. II p 8

[6] *Cf* the Court of Wards Act, 1879 (Ben. Act 9 of 1879) s 63 Vol. II, p. 408

the Certificate Officer may make under his hand, and in Form No 2 in the Schedule hereto annexed, a certificate of the amount of such public demand so remaining unpaid, including such interest thereon as may by any law for the time being in force be chargeable, and may cause the same to be filed in his office

Provided that no such certificate shall be made in respect of any such demand the recovery of which is barred by any law of limitation for the time being in force

(2) A certificate for a public demand referred to in clause (*h*) of this section shall not cease to be in force by reason of the release of the estate from the charge of the Court of Wards or the Revenue authorities

Effect of such certificate

8 Subject to the provisions of this Act, every certificate made under the last preceding section shall as regards the remedies for enforcing the same, and so far only, have the force and effect of a decree of a Civil Court

[1] [In the cases specified in clauses (*a*) to (*g*), both inclusive, of the said section, and in the case of the Government Officer specified in clause (*i*) of the said section the Secretary of State for India in Council shall be deemed to be the decree holder, in the case specified in clause (*h*) of the said section, the private individual therein mentioned, or, if such private individual be a minor, lunatic or ward of Court, then such minor, lunatic or ward of Court by his next friend shall be deemed to be the decree holder, and, in the case of the Local Authority specified in clause (*i*) of the said section, the said Local Authority shall be deemed to be the decree holder

And, in all the cases specified in the said section the person named in the certificate as debtor shall be deemed to be the judgment debtor]

Requisition for certificate in Form No 2

9 [2] [(1) When any of the public demands specified in section 7 is unpaid by any person liable to pay such public demand to a Government Officer other than a District Collector, or to a Local Authority, or when any such demand as is specified in clause (*h*) of the said section is unpaid by any person liable to pay the same to the Court of Wards or a Revenue Authority, then—

(*a*) the said Government Officer or Local Authority, or

(*b*) the Manager appointed by the Court of Wards or

(*c*) the said Revenue authority, or the Manager (if any) appointed by such Authority,

as the case may be, may make to the Certificate Officer a requisition in writing in Form No 3 in the Schedule hereto annexed]

Signature

(2) Every such requisition shall be signed and verified by the Officer,

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[1] These sentences were substituted and are to be deemed to have always been substituted for the original sentence by the Bengal Public Demands Recovery (Amendment) Act 1897 (Ben. Act I of 1897) s. 7 *post* p. 308

[2] This sub-section was substituted and is to be deemed to have always been substituted for the original sub-section (1) by the same Act s. 8 (1) *post* p 308

(*Secs* 10, 11)

Verification and stamping of requisition

[1] [Authority] or Manager making it, in accordance with the provisions of sections 51 and 52 [2] of the Code of Civil Procedure as to the verification of plaints, and there shall be payable in respect [3] [of every such requisition, except when made by a Government Officer under clause (*a*) of sub section (1) of this section,] a court fee of the same amount as is payable under the Court fees Act [4] for the time being in force in respect of a plaint for the recovery of a sum of money equal to that stated in such requisition

Power to make certificate in Form No 2 on such requisition

(3) On receipt of such requisition, such Certificate Officer, if satisfied that such demand is justly recoverable, may make under his hand, and in Form No 2 in the Schedule hereto annexed, a certificate of the amount of such [5] [demand] so remaining unpaid together with the cost of any court fee paid in respect of such requisition under sub section (2) of this section and shall cause the same to be filed in his office

Effect of such certificate

(4) The provisions of the last preceding section shall apply to every such certificate

Notice of certificate to be given to judgment-debtor

10 (1) When a certificate has been filed in the office of a Certificate Officer under the provisions of sections 5 7 or 9, such Certificate Officer shall issue to the judgment debtor a copy of such certificate and a notice in Form No 4 in the Schedule hereto annexed

After notice certificate to bind immovable property

(2) From and after the service of such notice such certificate shall bind all immovable property of such judgment debtor situated within the juris diction of the District Collector in the same manner and with like effect as if such immovable property had been attached under the provisions of section 274 of the Code of Civil Procedure [6]

(3) A copy of such certificate may be transmitted by post under the provi sions of section 223 of the Code of Civil Procedure [6] to any other District Collector, for the purpose of being filed in his office and as soon as it is so filed such certificate shall if the aforesaid notice has been served bind in like manner all immovable property of such judgment debtor situated within the juris diction of such last mentioned District Collector

Attachment and sale of movable property

11 (1) If in any case the Certificate Officer is satisfied that any person *against whom a certificate has been filed under the provisions of sections 5 7* or 9 is likely to conceal, or remove, or dispose of the whole or any part of his movable property, and that the realization of the amount of such certificate

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[1] The word Authority was inserted and is to be deemed to have always been inserted by the Bengal Public Demands Recovery (Amendment) Act 1897 (Ben Act I of 1897) s 8 (2) *post* p 359

[2] Printed in General Acts 1882 84 Ed. 1898 p 283

[3] These words in square brackets were substituted for the word thereof by the Bengal Public Demands Recovery (Amendment) Act 1897 (Ben Act I of 1897) s 8 (2) *post* p. 359

[4] See the Court fees Act 1870 It is printed in General Acts 1868 76 Ed 1898 p 124

[5] The word demand was substituted and is to be deemed to have always been substituted for the word arrears by the Bengal Public Demands Recovery (Amendment) Act 1897 (Ben Act I of 1897) s 8 (3) *post* p 359

[6] Printed in General Acts 1882 84 Ed 1898 p 262

will in consequence be delayed or obstructed he may, at any time after making such certificate direct, for reasons to be recorded by him, an attachment of the whole or any part of the movable property of such person

(2) Such attachment shall be made in the manner provided in the Code of Civil Procedure [1] for attaching movable property, and subject to the provisions of section 266 of the same Code 14

(3) Such property may be sold for the purpose of satisfying such certificate if no petition of objection is filed under the next succeeding section or, if any such petition is filed then as soon as it has been heard and determined

Power to file petition of objection to certificate

12 (1) If a judgment debtor who has been served with a notice under section 10 denies his liability to pay the whole or any part of the amount for which such certificate has been made and filed against him he may at any time within thirty days from service of such notice, or, where no such notice has been duly served within thirty days from the execution of any process *for enforcing such certificate, file a petition of objection denying* his liability as aforesaid before the Certificate Officer by whom such certificate has been made

(2) Such petition shall be in, or as nearly as possible in, Form No 5 in the Schedule hereto annexed and shall be signed and verified in the manner prescribed in sections 51 and 52 of the Code of Civil Procedure [1] 14 o

Hearing of petition.

13 (1) *The Certificate Officer shall fix a day for hearing any such petition* so filed, and upon such day or any subsequent day to which such hearing may be adjourned shall determine whether such petitioner is liable for the whole or any part of the amount for which such certificate was made, and may set aside or modify or vary the certificate accordingly

(2) Every such Certificate Officer shall, for the purpose of hearing any such petition and determining as aforesaid exercise all or any of the powers of a Civil Court in respect of summoning, causing the attendance of, and examining witnesses and in respect of causing the production of documents, and the provisions of the Code of Civil Procedure [1] applicable to these matters shall apply to a Certificate Officer exercising these powers 14 of

Provided that if in the opinion of the Certificate Officer, the petition involves a *bona fide* claim of right, he shall refer the petition to the District Collector for orders and the District Collector, if he is satisfied that a *bona fide* claim of right is involved, shall make an order cancelling the certificate

Costs of petition

[2] 14 (1) The Certificate Officer shall have full power to direct that the costs, or any part of the costs, of any such petition and of the hearing thereof shall be paid by the petitioner, or, if his finding is in favour of the petitioner, then by the *Secretary of State for India* in Council or the person

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[1] Printed in General Acts 1892-84 Ed. 1898 p 262.

[2] This section was substituted for the original s. 14 by the Bengal Public Demands Recovery (Amendment) Act 1897 (Ben. Act I of 1897) s 9 *post* p 359

or Local Authority on whose requisition or on whose behalf the certificate was made, as the case may be

(2) In any case in which a Certificate Officer directs the payment of costs as aforesaid by a petitioner, the amount thereof shall be added to the amount entered in the certificate, and shall be recoverable as if the same had been originally entered in the certificate

(3) In any case in which a Certificate Officer directs the payment of costs as aforesaid by a person or Local Authority on whose requisition or on whose behalf the certificate was made, the amount thereof shall be recoverable in the same way as public demands specified in section 7, clause (*d*)

Suit in Civil Court to have certificate in Form No 2 cancelled or modified

15 The person deemed to be a judgment debtor under the provisions of section 8 may at any time within six months from the service upon him of notice under section 10, or, if he files a petition of objection under section 12, from the date of the determination thereof, or if he appeals under section [1] [32] from the date of the decision of such appeal, bring a suit in the Civil Court to have the said certificate cancelled or modified

Provided that no such suit shall be entertained if such judgment debtor has omitted to state in his petition of objection, if any the ground upon which he claims to have such certificate cancelled or modified and cannot satisfy the Civil Court that there was good reason for such omission

Certificate in Form No 2 when to become absolute

16 When no suit is instituted by the judgment debtor within the period specified in * * * [2] section 15 or if any such suit having been instituted is finally decided against such judgment debtor, such certificate shall become absolute, and shall have, to all intents and purposes the same force and effect as a final decree of a Civil Court

Grounds of cancelment or modification of certificate by Civil Court.

17 (1) No certificate duly made under the provisions of this Act shall be cancelled by a Civil Court otherwise than on one of the following grounds —

(*a*) that the amount stated in the certificate was actually paid or discharged before the making of such certificate ,

(*b*) that no part of the amount stated in the certificate was due by the judgment debtor under the certificate ,

(*c*) that in the case of fines imposed, or costs, charges, expenses damages duties, or fees adjudged, by a Collector or a public officer under the provisions of [3] [any law or any rule having the force of law], the proceedings of such Collector or public officer were not in sub

[1] The figures 32 were substituted and are to be deemed to have always been ... gal Public Demands Recovery (Amendment)

... were repealed by the same Act s. 3 (2)

[3] These words in square brackets in s 17 were substituted for the words any Regulation or Act for the time being in force by the same Act s 10 *post* p. 359

(*Secs* 18-20)

stantial conformity with the provisions of such [1] [law or rule] and that in consequence the judgment debtor under the certificate suffered substantial injury from some error, defect or irregularity in such proceedings,

or modified by a Civil Court otherwise than on one of the following grounds —

(*d*) that a portion of the alleged debt was never due,

(*e*) that the judgment debtor has not received credit for any portion which he may have paid

(2) Nothing herein contained shall be construed to interfere with the ordinary original jurisdiction of the High Court at Fort William in Bengal [*or with the jurisdiction of the Calcutta Court of Small Causes*]

Transfer of petitions to Assistant Collector or Deputy Collector for hearing

18 (1) The Certificate Officer may, subject to any general or special order of the District Collector, transfer to any Assistant Collector [2] [or Deputy Collector] subordinate to such District Collector any petition filed under section 12, and such Assistant Collector [2] [or Deputy Collector] shall hear and determine such petition accordingly

Provided that the District Collector shall have power to re transfer any petition so transferred, and to order that it be heard and determined by the Certificate Officer

(2) The provisions of sections 13 and 14 shall be applicable to any such Assistant Collector [2] [or Deputy Collector] to whom any such petitions have been so transferred

Enforcement of certificate

[3] 19 (1) Every certificate made under sections 5, 7 or 9 may be enforced and executed with interest at the rate of six *per centum per annum* from the date of the certificate being filed up to the date of realization, and costs, upon the expiry of one month from service of the notice mentioned in section 10 or, when any such petition as is mentioned in section 12 has been filed, then as soon as such petition has been heard and determined

(2) Such certificate may be enforced and executed in the manner provided by Chapter XIX of the Code of Civil Procedure [4] for the enforcement of decrees for money, and all the provisions of that Chapter, except section 310A thereof, and of Chapter XX of the said Code shall apply, so far as they are applicable 14 of

Power to set aside sale of immovable property on ground of irregularity or on ground of judgment debtor having no saleable interest

[3] 20 Any sale of immovable property made in the course of enforcing any such certificate may be set aside in accordance with the provisions of sections 311 and 313 of the said Code of Civil Procedure [4]

[1] The words 'law or rule' were substituted for the words 'Regulation or Act' by the Bengal Public Demands Recovery (Amendment) Act 1897 (Ben Act I of 1897) s 10, *post* p 3[illegible]

[2] The words 'or Deputy Collector' in s 18 were substituted for the words 'Deputy Collector or Assistant Commissioner' by the same Act s 11 (1) *post* p [illegible]

[3] The ss 19 to 21 here printed were substituted for the original ss 19 to 21 by the same Act s 12 *post* p. 3[illegible]

[4] Printed in General Acts, 1882 84 Ed 1898 p 2[illegible]

(*Secs* 21, 22)

Power to set aside sale of immovable property on deposit of amount due, etc

[1] 21 (1) The judgment debtor, or any person claiming through him may, at any time within thirty days from the date on which any immovable property is sold in execution of a certificate apply to the Certificate Officer to set aside the sale on his depositing—

(*a*) the amount stated in the certificate together with costs and with the interests thereon at the rate of twelve *per centum per annum* calculated from the date when the certificate was filed up to the date when the deposit is made

(*b*) as penalty, a sum equal to one tenth of the auction price but not less than one rupee and

(*c*) such outstanding charges due to the Government under any law for the time being in force in respect of the property sold as the District Collector certifies to be payable by the judgment debtor

If such a deposit is made within the said thirty days the Certificate Officer shall pass an order setting aside the sale

Provided that if a person applies that the sale of his immovable property be set aside in accordance with the provisions of section 311 of the Code of Civil Procedure [2] he shall not be entitled to make an application under this section

(2) In the event of a sale being set aside by an order of the Certificate Officer under this section any money paid or deposited by the purchaser on account of the purchase together with the penalty specified in clause (*b*) shall be paid to the purchaser by the Certificate Officer

(3) Any order made by the Certificate Officer under this section shall be final

Powers in execution proceedings by whom to be exercised.

22 (1) In enforcing and executing [3] [any certificate made under sections 5 7 or 9] all the duties powers and authorities by the said Code [2] imposed or conferred on the Court shall be exercised by the Certificate Officer in whose office any such certificate or any copy thereof transmitted for execution under the provisions of section 223 of the said Code has been filed

(2) The power conferred on the High Court of making and from time to time altering rules for the guidance of the Courts in the exercise of their duties under section 287 of the Civil Procedure Code [2] shall in respect of proceedings under this Act be exercised by the Board of Revenue [4] All such

[1] This s 21 is new—see footnote [3] on p 310 ante

[2] Printed in General Acts 188[illegible] 84 Ed. 1898 p 26[illegible]

[3] These words and figures in square brackets in s 22 were substituted for the words such certificate by the Bengal Public Demands Recovery (Amendment) Act 1897 (Ben Act I of 1897) s 13 *post* p 3[illegible]9

[4] Now the Board of Revenue of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) ss 3 4 ([illegible]) and Sch D Pt I cl III in Vol I pp 6 3 62[illegible]

rules shall be published in the Calcutta Gazette, [1] and shall thereupon have the force of law

(3) Subject to the control of the District Collector, and save and except in respect of the provisions relating to insolvent judgment debtors, any of the said duties powers and authorities may be exercised by any Assistant Collector [2] [or Deputy Collector] subordinate to such District Collector

Power to set aside sale of immovable property when certificate is set aside by Civil Court

23 (1) If any immovable property is sold in execution of a certificate, * * * [3] and if such certificate is subsequently set aside by a competent Civil Court, such Court may set aside such sale of such immovable property, and, in any case in which such sale is so set aside, such Court shall direct that the amount of the purchase money be refunded to the purchaser, with or without interest as such Court thinks fit

(2) Such order shall have the force of a decree, and application for execution shall be made within six months from the date thereof otherwise the party in whose favour such order was passed shall lose all benefit therefrom

Provided that no such sale shall be so set aside unless such purchaser has been made or added as a party to the suit brought to set aside such certificate

(3) The provisions of this section shall not apply to a sale set aside under section [4] [21]

Keeping and inspection of register of certificates

24 (1) Every District Collector shall cause to be kept in his office a register in such form as may from time to time be prescribed by the Board of Revenue, [5] and shall cause to be entered in such register the particulars of every certificate made under this Act which, or a copy of which, has been filed in his office

(2) Such register shall be open during office hours, for not less than two hours daily, to be fixed by the District Collector, for the inspection of any one desiring to inspect the same, and a fee of eight annas, or such fee not exceeding eight annas as the Board of Revenue [5] may prescribe, shall be chargeable for such inspection

Payment by instalments

25 (1) Payment of the amount due under a certificate may be made by instalments, if the Certificate Officer who made such certificate so direct

(2) The payment of every such instalment shall be entered in the register mentioned in the last preceding section

Satisfaction

26 When the total amount due under a certificate has been paid and

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[1] Now the E. B and A. Gazette—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905) [illegible]

[2] [illegible] llector [illegible] 1897

[3] [illegible] f the same Act are omitted.

[4] The figures 21 were substituted for the word n neteen by the Bengal Public Demands Recovery (Amendment) Act 1897 (Ben. Act 1 of 1897) s 14 *post* p. 359

[5] Now the Board of Revenue of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905), ss. 3 4 (2) and Sch D, Pt. I cl III, in Vol. I pp. 623 625.

(*Secs.* 27-31.)

satisfied, the Certificate Officer in whose office such certificate was originally filed shall cause satisfaction to be entered upon such certificate [1] [and] in the register mentioned in section 24. *to be entered on certificate and in register.*

Communication of satisfaction to other District Collector, etc.

27. When a copy of such certificate has been transmitted to another District Collector or Certificate Officer in charge of a sub-division in the same district, or when such certificate has been made under the provisions of section 9 upon requisition from a Government officer, [2] [Local Authority, manager or Revenue-authority], such satisfaction shall be communicated to such [3] [District Collector, Certificate Officer, Government officer, Local Authority, manager or Revenue-authority], as the case may be.

Remittance of sum received to Certificate Officer who made certificate.

28. When a sum has been levied or received by a District Collector or Certificate Officer in charge of a sub-division in respect of a certificate, a copy of which has been transmitted to him and filed in his office, such District Collector or Certificate officer in charge of a sub-division shall remit such sum to the Certificate Officer by whom such certificate was originally made.

Application of Act 18 of 1850.

29. Every Certificate Officer, Assistant Collector [4] [and Deputy Collector] and every such Government officer as is mentioned in section 9, shall, in the discharge of his functions under this Act, be deemed to be a person acting judicially within the meaning of Act 18 of 1850 [5] passed by the Governor General of India in Council.

Control by Commissioners and Board of Revenue

30. All Certificate Officers, Assistant Collectors [6] [and Deputy Collectors], shall in the performance of their duties under this Act, be subject to the general supervision and control of the Commissioners of Divisions and the Board of Revenue.[7]

Service of notices.

31. Service of a notice under section 10 shall be made by delivering or tendering a copy thereof, signed by the Certificate Officer whenever it may be practicable, to the judgment-debtor therein named.

When such judgment-debtor cannot be found, the service may be made on any adult male member of his family residing with him;

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[1] This word "and" was inserted by the Bengal Public Demands Recovery (Amendment) Act, 1897 (Ben. Act 1 of 1897), s 15, *post*, p. 359

[2] These words in square brackets in s. 27 were substituted, and are to be deemed to have always been substituted, for the words "other than a Certificate Officer, or from a Manager appointed by the Court of Wards," by the same Act, s. 16, *post*, p. 359.

[3] These words in square brackets in s 27 were substituted, and are to be deemed to have always been substituted, for the words "other District Collector or officer or manager" by the same Act, s. 16, *post*, p 359.

[4] These words in square brackets in s 29 were substituted for the words "Deputy Collector and Assistant Commissioner" by the same Act, s. 11 (2), *post*, p. 359

[5] The Judicial Officers' Protection Act, 1850. It is printed in General Acts, 1834-67, Ed. 1898, p. 62.

[6] These words in square brackets in s. 30 were substituted for the words "Deputy Collectors and Assistant Commissioners" by the Bengal Public Demands Recovery (Amendment) Act, 1897 (Ben Act I of 1897), s. 11 (3), *post*, p. 359

[7] Now the Board of Revenue of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), ss. 3, 4 (2), and Sch. D, Pt. I, cl. III, in Vol. I, pp. 623, 625.

and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the judgment debtor ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the Certificate Officer issuing the same, and also in some conspicuous part of the land, if any, affected by the service of the notice

Provided that, if the Certificate Officer shall so direct, the notice may be sent by post addressed to the judgment debtor at his last known residence, and registered under Part III of the Indian Post Office Act, 1866, [1] or any similar Act for the time being in force, and service of it may be proved by the production of the addressee's receipt 14 o

Appeal to District Collector or Commissioner

32 (1) (a) An appeal from any order of an Assistant Collector [2] [or Deputy Collector] or from any original order of a Certificate Officer other than the District Collector, may be preferred to the District Collector within fifteen days from the making of such order,

(b) an appeal from an original order of a District Collector may be preferred to the Commissioner within thirty days from the making of such order

Transfer of appeals

(2) An officer appointed to perform the functions of a Certificate Officer shall if authorized by the District Collector with the sanction of the Commissioner so to do, exercise the appellate powers of a District Collector and he shall, unless the order of his appointment otherwise directs, be subject to the general supervision and control of the District Collector, and the District Collector may transfer for hearing any appeal referred to in sub section (1), clause (a) to any Certificate Officer so authorized other than the officer against whose order such appeal is preferred

Stay of execution pending appeal.

(3) Pending the decision of such appeal, execution may be stayed if the appellate authority so direct, but not otherwise

Computation of time

(4) In each case under this section the day after that on which the order was passed shall be reckoned as the first day of the period

Revision by Commissioner

33 No appeal as of right, shall lie from any order of a District Collector passed on appeal from an order of an Assistant Collector, Deputy Collector * * [3] or Certificate Officer, but the Commissioner may, in any case in which he thinks fit, revise any order passed by a District Collector, Certificate Officer, Assistant Collector [2] [or Deputy Collector]

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are omitted.

(*Schedule.—Forms Nos.* 1 *and* 2.)

SCHEDULE.

FORM No 1

(*see section* 5).

Certificate of arrears of revenue filed in the office of the Certificate Officer of (name of District)

No of certificate	Name of debtor	Address of debtor	Amount of arrears of revenue for which this certificate is made, and period for which such arrears are due	Estate or tenure for which arrears of revenue are due
1	2	3	4	5

I hereby certify that the above mentioned sum of Rs. is due to the Secretary of State for India in Council from the above-named

Dated this day of 18 .

A. B.,

Certificate Officer of

FORM No 2

[*see section* 7 *and section* 9, *cl.* (3)].

Certificate of * * [1] *public demands filed in the office of the Certificate Officer of (name of District).*

No of certificate	Name of debtor.	Address of debtor	Amount of the public demand for which this certificate is made.	Particulars of public demand for which this certificate is made, and [2][name of Authority or person who is to be deemed to be the decree-holder]
1	2	3	4	5

[1] [illegible] repealed by the Bengal Public Demands Recovery [illegible]

I hereby certify that the above mentioned sum of Rs is due to the Secretary of State for India in Council (or to A B, a Ward of Court, or a minor, or a lunatic, by his next friend C D [1] [*or, as the case may be,*] from the abovenamed

Dated this day of 18

A. B,
Certificate Officer of

FORM NO-3

[*see section* 9, *cl* (1)]

REQUISITION

To the Certificate Officer of the district of

Name of debtor	Address of debtor	Amount of public demand for which this requisition is made	Nature of the public demand for which this requisition is made
1	2	3	4

The above sum of Rs is due from the said in respect of

Certified this day of

A B
(*Official designation*)

FORM NO 4

(*see section 10*)

NOTICE

To (*insert name of judgment debtor*)

You are hereby informed that a certificate for Rs due from you on account of has been this day made by me against you under the provisions of section of Act of 1895, passed by the Lieutenant-Governor of Bengal in Council, and that such certificate has been filed in this office If you deny your liability to pay the said sum of Rs , you may, within thirty days from the date of service of this notice, show cause

[1] These words in square brackets were inserted and are to be deemed to have always been inserted, by the Public Demands Recovery (Amendment) Act, 1897 (Ben. Act 1 of 1897), s. 17, *post* p. 359

why such certificate should not be executed If you fail to show cause within the said thirty days or do not show sufficient cause, such certificate will be executed in the same manner as if it were a decree of a Civil Court for the said sum of Rs unless you pay the amount into this office Until such amount is paid, you are hereby prohibited from alienating your immovable property or any part of it by sale gift, mortgage or otherwise

A copy of the certificate above mentioned is hereto annexed

Dated this day of 18 A B,

Certificate Officer of

FORM No 5

(*See Section* 12)

To

THE CERTIFICATE OFFICER OF

The humble petition of (name of petitioner) of (address)

SHEWETH—

That a certificate No for the sum of Rs has been filed against your petitioner in your office under the provisions of section of Act of 1895 passed by the Lieutenant Governor of Bengal in Council

That your petitioner respectfully denies his liability to pay the said sum of Rs (or where the liability to pay part is admitted denies his liability to pay more than Rs) and this for the following reasons—

That the facts above stated are true to the best of your petitioner's knowledge and belief

Your petitioner therefore respectfully prays that the said certificate may be set aside (*or* modified *or* varied)

A B

(*Petitioner*)

Verified in accordance with the provisions of sections 51 and 52 [1] of the
1882 Code of Civil Procedure

A. B

(*Petitioner*)

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[1] Printed in General Acts 1882 84 Ed 1898, p. 283.

APPENDIX—*List of dues which are recoverable in Eastern Bengal under the certificate procedure provided by the Public Demands Recovery Act*, 1895 (*Ben Act* 1 *of* 1895)

1	2	3	4	5
Number and year	Short title	Section	Nature of due	Enactment where published.
Ben Reg 2 of 1793	The Bengal Land revenue Regulation, 1793	33 [1]	Fine imposed on land holder, tenant or native officer for neglecting to attend before Board of Revenue when required to do so	Vol I, p 23
Ben Reg 3 of 1794	The Bengal Native Revenue officers Regulation 1794	13 [1]	Arrears due from proprietors or farmers of land and payabl to a tahsildar or other officer appointed by the Government to collect them	Vol I, p 69
Ben. Reg 12 of 1817	The Bengal Patwaris Regulation, 1817	32 [1]	Fine imposed on proprietor or farmer neglecting to attend, or to furnish accounts or information, before a Collector or other officer, when required to do so	Vol I, p 118
Ditto	Ditto	36 [1]	Sums adjudged by the Collector in favour of a patwari, and fines imposed under this Regulation	Vol I, p 119
Ben. Reg 2 of 1819	The Bengal Land revenue Assessment (Resumed Lands) Regulation 1819	13 (3) [1]	Fine imposed on proprietor or farmer for neglecting to attend or to furnish accounts or documents, before Collector or Commissioner, when summoned to do so	Vol. I, p 137
Ditto	Ditto	14 [1]	Fine imposed on Zemindar or other person resisting process	Ditto
Ben Reg 7 of 1822	The Bengal Land revenue Settlement Regulation, 1822	(3) [1]	Money awarded under this Regulation	Vol I, p 201
Ben Reg 6 of 1825	The Bengal Troops Transport Regulation, 1825	4 [1]	Fines imposed under this Regulation.	Vol I, p. 222

[1] *See* the Public Demands Recovery Act, 1895 (Ben Act 1 of 1895), s 7 (*a*), *ante*, p 304.

APPENDIX —*List of dues which are recoverable in Eastern Bengal under the certificate procedure provided by the Public Demands Recovery Act*, 1895 (*Ben Act* 1 *of* 1895)—contd

1	2	3	4	5
Number and year	Short title	Section	Nature of due	Enactment where published
Ben. Reg 9 of 1825	The Bengal Land revenue Settlement Regulation 1825	5(10) [1]	Expenses of witnesses and costs adjudged by Revenue authorities	Vol I p 229
Act 20 of 1848	The Bengal Land holders Attendance Act 1848	1 [1]	Fine imposed on proprietor or farmer of land neglecting to attend or to produce accounts or documents before Collector when required to do so	Vol I p 282
Act 12 of 1850	The Public Accountants Defaults Act 1850	4 [1]	Loss or defalcation in the accounts of a public officer	General Acts 1834 67 Ed 1898 p 62
Act 32 of 1855	The Bengal Embankment Act 1855	11(2) [1]	Sums due under this Act	Vol I p 297
Act 13 of 1857	The Opium Act 1857	16 [1]	Balances due from cultivators or mahtos or intermediate managers	Vol I p 310
Act 11 of 1859	The Bengal Land revenue Sales Act 1859	23 [2]	Balance of arrears of revenue after sale of estate or tenure	Vol I p 327
Ben Act 5 of 1864	The Canals Act 1864	8 [3]	Sums due in respect of farm given under this section	Vol II p 8
Ben Act 7 of 1866	The Bengal Embankment Act 1866	5 [1]	Sums due under this Act	Vol II p 41
Ben Act 7 of 1868	The Bengal Land revenue Sales Act 1868	2 [4]	Balance of arrears of revenue after sale of estate or tenure	Vol II p 60

[illegible] 1 of 1895) s 7 (a) ante p 304

APPENDIX.—*List of dues which are recoverable in Eastern Bengal under the certificate procedure provided by the Public Demands Recovery Act,* 1895 *(Ben Act* 1 *of* 1895)—contd.

1	2	3	4	5
Number and year	Short title	Section	Nature of due	Enactment where published
Ben. Act 7 of 1868—*contd.*	The Bengal Land revenue Sales Act 1868—*contd*	2 [1]	Sums awarded as compensation under this section	Vol II p 60
Ben Act 6 of 1870	The Village chaukidari Act, 1870	53 to 55 [2]	Assessment on Chaukdari Chakarán lands	Vol II, p 117
Act 7 of 1870	The Court fees Act, 1870, as amended by Act 11 of 1899 s 2	19 J [3]	Court fee on probate or letters of administration, where value of property under estimated or too low a fee paid	General Acts, 1899 1903 Ed 1904, p 99
Ben. Act 5 of 1875	The Bengal Survey Act, 1875	20 29 57 [2]	Amounts due to the Collector under this Act	Vol II pp 148, 150 157
Ditto	Ditto	55 [3]	Fines imposed under section 51 52 or 53 of this Act.	Vol. II p 157
Ben Act 3 of 1876	The Bengal Irrigation Act 1876	42 [2]	Expenses of removal or modification of obstruction to river stream or natural drainage course	Vol II, p 186
Ditto	Ditto	73 [2]	Dues under Part V of this Act (Village Channels)	Vol. II, p 192
Ditto	Ditto	85 [2]	Arrears of water rate sums due to the Government on account of collections of water rate, and sums due to any person on account of water rate	Vol II p 195
Ditto	Ditto	95	Cost of removal of obstruction or repair of damage	Vol. II, p 197
Ben. Act 7 of 1876	The Land Registration Act, 1876	82 [2]	Amounts due to the Collector under this Act.	Vol. II p 343
Act 1 of 1878	The Opium Act, 1878	23 24 25 [3]	Dues under this Act	General Acts, 1877 81, Ed 1898, pp 117, 118
Act 7 of 1878	The Indian Forest Act, 1878	81 [3]	Money payable to the Government under this Act or rules made thereunder, the price of forest produce, and expenses incurred under the Act.	Ditto, p 155

[1] *See* the Public Demands Recovery Act, 1895 (Ben Act 1 of 1895), s 7 (*e*), *ante*, p 305
[2] *See ibid*, s 7 (*d*) (second part) *ante*, p 305
[3] *See ibid*, s 7 (*a*), *ante* p 304.

APPENDIX.—*List of dues which are recoverable in Eastern Bengal under the certificate procedure provided by the Public Demands Recovery Act,* 1895 (*Ben. Act* 1 *of* 1895)—contd.

1	2	3	4	5
Number and year	Short title	Section	Nature of due	Enactment where published
Ben. Act 7 of 1878	The Bengal Excise and Licensing Act, 1878	36 [1]	Money recoverable under this section	Vol II, p 364
Act 6 of 1879	The Elephants Preservation Act, 1879	10 [2]	Fees payable under licenses granted under this Act	General Acts, 1877 81, Ed. 1898, p 259
Ben Act 9 of 1879	The Court of Wards Act, 1879	23A	Arrears of Government revenue which accrued while an estate or a share or part of an estate was under the charge of the Court of Wards	Vol II, p 396
Ditto	Ditto	29 [3]	Expenses incurred by Collector in preservation of property	Vol II, p 398
Ditto	Ditto	34A [2]	Expenses incurred by Collector in taking action under s 31, 32 or 33, where property is not taken under charge of Court of Wards	Vol II, p 400
Ditto	Ditto	46 [3]	Sums due to Court of Wards	Vol II, p 402
Ditto	Ditto	65A [4]	Expenses incurred by Court of Wards after release of property	Vol II p 409
Ben. Act 6 of 1880	The Bengal Drainage Act, 1880	38	Sums due by landholders under the Act	Vol II p 450
Ditto	Ditto	48, 51B, 51C	Sums due by co sharers, tenants and others under the Act	Vol II, pp 455, 457, 458
Ben Act 9 of 1880	The Cess Act, 1880	40A [2]	Road cess or Public Works cess on tenures in Government estates	Vol II, p 483
Ditto	Ditto	49	Road cess or Public Works cess paid by shareholder in excess of his share	Vol II p 488

[1] *See* the Public Demands Recovery Act, 1895 (Ben Act 1 of 1895), s 7 (*d*) (first part) *ante*, p. 305

[2] *See ibid*, s 7 (*a*), *ante*, p 304

[3] *See ibid*, s 7 (*d*) (second part), *ante*, p. 305

[4] *See ibid*, s 7, cl (*a*) and cl. (*d*) (second part), *ante*, pp 304, 305

APPENDIX —*List of dues which are recoverable in Eastern Bengal under the certificate procedure provided by the Public Demands Recovery Act*, 1895 (*Ben Act* 1 *of* 1895)—contd

1	2	3	4	5
Number and year	Short title	Section	Nature of due	Enactment where published
Ben Act 9 of 1880—*contd*	The Cess Act, 1880—*contd*	98 [1]	Amounts due to Collector under the Act	Vol II p 500
Ben Act 2 of 1882	The Bengal Embankment Act, 1882	70 [1]	Sums due under this Act	Vol II p 543
Act 19 of 1883	The Land Improvement Loans Act 1883	7 [2]	Loans made under this Act	General Acts, 1882 84 Ed 1898 p 660
Act 12 of 1884	The Agriculturists Loans Act 1884	5 [2]	Loans made under this Act	Ditto p 70[illegible]
Ben Act 1 of 1885	The Bengal Ferries Act 1885	12 [1]	Sums due by lessee of tolls of public ferry	*Ante* p 162
Act 8 of 1885	The Bengal Tenancy Act 1885	114 [2]	Expenses of proceedings under Chapter X of the Act (Record of rights and Settlement of Rents)	Vol I, p 448
Act 2 of 1886	The Indian Income tax Act 1886	30 (1) [2]	Sum payable in case of default	General Acts 1885 90 Ed 1898 p 41
Ben Act 4 of 1887	The Chittagong Port Commissioners Act 1887	79 [2]	Dues under this Act	*Ante* p 257
Ben Act 3 of 1895	The Land Records Maintenance Act, 1895	30 31, 32	Expenses of proceedings under Chapter X of the Bengal Treasury Act, 1885 (Record of rights and Settlement of Rents)	*Post* p 334
Ben Act 8 of 1895	The Bengal Sanitary Drainage Act 1895	22	Arrears of rates due under this Act	*Post*, p 34[illegible]
Ben Act 5 of 1897	The Estates Partition Act, 1897	108 [3]	Sums ordered under this Act to be paid	*Post* p 403
Act 2 of 1899	The Indian Stamp *Act, 1899*	48 [2]	Dues and penalties in respect *of instruments* not duly stamped	General Acts 1899 03, Ed 1904 p 28
Ditto	Ditto	"	Amount payable on composition of offence punishable under this Act	Ditto p 37

[1] *See* the Public Demands Recovery Act, 1895 (Ben Act 1 of 1895), s 7 (*d*) (second part), *ante*, p. 305
[2] *See ibid*, s. 7 (*a*), *ante*, p. 304
[3] *See* also *ibid*, s 7 (*d*) (second part) *ante*, p 305

APPENDIX —*List of dues which are recoverable in Eastern Bengal under the certificate procedure provided by the Public Demands Recovery Act,* 1895 (*Ben Act* 1 *of* 1895)—concld

1	2	3	4	5
Number and year	Short title	Section	Nature of due	*Enactment* where published
			[1] Balance of arrears of revenue after sale of estate or tenure	
			(1) Arrears of revenue due from a farmer	
			(2) Money due from the sureties of a farmer in respect of the revenue of the estate farmed by him	
			(3) Fees or costs awarded by a Revenue-authority under any law or any rule having the force of law	
			(4) Arrears of revenue or rent payable to the Secretary of State for India in Council	
			(5) Arrears of rent or of other demands recoverable as rent due in respect of property under the charge of or managed by the Court of Wards or the Revenue authorities on behalf of a private individual	
			(6) Sums payable to a Government Officer or any Local Authority in respect of which the person liable to pay the same has agreed that they shall be recoverable under the certificate procedure	

[1] [illegible] 303

BENGAL ACT 3 OF 1895

(THE LAND RECORDS MAINTENANCE ACT 1895)

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MISCELLANEOUS

BENGAL ACT 3 OF 1895[1]

(THE LAND RECORDS MAINTENANCE ACT, 1895)

[29th May, 1895]

An Act to provide for the maintenance of Records of tenant-rights in Bengal,[2] and for the recovery of the cost of Cadastral Surveys and Settlements

Preamble

WHEREAS it is expedient to provide for the maintenance of records of tenant rights and of settlement records in Bengal [2] and for an alternative method of recovering the cost of cadastral surveys and settlements, It is hereby enacted as follows —

PART I

PRELIMINARY

Short title

1 (1) This Act may be called "The Land Records Maintenance Act, 1895"

Extent

(2) It shall come into force only in districts or parts of districts of which a field survey and a record of rights have been made under Chapter X of the Bengal Tenancy Act 1885 [3] or under any other law for the time being in force and to which the Local Government [4] may, from time to time, extend it by an order published in the Calcutta Gazette [5] 8 of 188

Commencement

and thereupon this Act shall commence and take effect in the districts or parts of districts named in such order on the day which shall be in such order provided for the commencement thereof

Interpretation clause

2 (1) In this Act all words and expressions defined in the Bengal Tenancy Act, 1885 [3] shall have the meanings attributed to them, respectively, in that Act 8 of 188

and the word "addition" shall have the meaning attributed to it in the Indian Registration Act 1877 [6] 3 of 187

(2) By the term "record of rights" shall be understood the settlement record of tenant rights called the *khatian* or such new editions of such record

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[1] LEGISLATIVE PAPERS —For Statement of Objects and Reasons see Calcutta Gazette, 1895 Pt IV p. 4 and for Proceedings in Council see ibid Supplt, pp 142 326 494 589 659 720

LOCAL EXTENT —This Act extends to districts or parts of districts in Eastern Bengal notified under s 1

[2] This includes Eastern Bengal

[3] Printed in Vol I p. 400

[4] [illegible] ...al and Assam

L[illegible]

(7 of 1905)

8 [illegible]

as may be prepared under rules made under this Act, or such other correspond ing record of tenant rights as may be declared by the Board of Revenue [1] to form the record of rights for any district or part of a district A record of rights includes entries duly made in a Register of Mutations

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PART II

REGISTRATION OF MUTATIONS

Registrars of Mutations

3 The Sub Registrars appointed under the Indian Registration Act 1877 [2] shall be Registrars of Mutations under this Act

Registers

4 The Registrar of Mutations shall keep such registers as shall from time to time be prescribed by the Local Government [3] including for every vil lage within the limits of the sub district a Register of Mutations in which there shall be recorded changes affecting the record of rights of that village and containing such particulars as the Board of Revenue [1] may from time to time with the sanction of the Local Government [3] prescribe

Landlords statements

5 (1) Whenever the Local Government [3] shall issue a notification in the Calcutta Gazette [4] to that effect every landlord shall within the period prescribed in the notification file in the office of the Registrar of Mutations, within the sub district in which his tenant s land is situated a statement in a form to be prescribed by the Local Government [3] showing truly, to the best of his knowledge and belief the changes if any which have taken place in his tenants rights by reason of transfer or succession since the record of rights was prepared or since the last statement was filed

(2) The Collector of the district shall cause such notification to be pub lished by affixing a copy thereof in some conspicuous place in the office of such Collector in every Civil Court in every police station and in the office of every Sub divisional Officer within the district and in any other manner which the Local Government [3] may from time to time direct

Notice of transfer or succession to be given to Registrar of Mutations

6 Every tenure holder raiyat at fixed rates and occupancy raiyat who transfers his tenure or holding or any part thereof and every person claiming to be in possession of any tenure or holding as a tenure holder raiyat at fixed rates or occupancy raiyat in consequence of a transfer or of intestate or testa mentary succession shall within four months from the date upon which he gave or took possession as the case may be give notice of the fact to the

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[1] Now the Board of Revenue of Eastern Bengal and Assam—*see* the Bengal and Assam [illegible] Vol I pp 623 [illegible]

[illegible] the Bengal and Assam [illegible] 623 [illegible]

[illegible] Laws Act 1905 (7 of 1905),

Registrar of Mutations within whose sub district the whole or some portion of the land to which the notice relates is situate, at his office

Provided that a notice under this section is receivable although the prescribed period has elapsed

Provided further that when any person has duly given notice under this section, all other persons are released from the obligation of giving notice in respect of the same transfer or succession

Provided further that when an instrument effecting a transfer of tenant right has been registered under the provisions of the Indian Registration Act, 1877,[1] all persons are released from the obligation of giving notice under this section in respect of the same transfer 3 of

The contents of the notice

7 The notice shall contain —

(*a*) in the case of a transfer, the names of the transferor and the transferee or in the case of a succession the name of the deceased and his successor

(*b*) a specification of the nature of the interest transferred or acquired,

(*c*) the survey number of the lands as entered in the record of rights, and

(*d*) such further particulars as the Local Government [2] may, from time to time, prescribe

Duty of Registrar on receipt of notice from transferor or transferee

8 (1) The Registrar of Mutations shall, on receipt of a notice under section 6, whether given within the prescribed period or not, from a transferor or transferee, ascertain if both the transferor and the transferee, or in the case of the death of either party since the transfer, if the one party and the representative of the other party admit the transfer, or in the case of the death of both parties if their respective representatives admit the transfer, and if both transferor or transferee or their respective representatives admit the transfer, he shall, after satisfying himself as to the identity of the persons appearing before him, cause the following particulars to be endorsed on the notice (that is to say) —

(*a*) the signature and addition of every person admitting the transfer, and if such transfer has been admitted by the representative or agent of any person, the signature and addition of such representative or agent

(*b*) any payment of money or delivery of goods made in the presence of the Registrar of Mutations in reference to the transfer, and any admission of receipt of consideration, in whole or in part made in his presence in reference to such transfer,

and shall affix the date and his signature to these endorsements,

[1] Printed in General Acts 1877 81, Ed. 1898 p 41

[2] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D, Pt I cl I in Vol I, pp 623 624

and shall register the transfer in the Register of Mutations in such manner as the Local Government [1] shall from time to time by rule prescribe.

(2) If necessary, the Registrar of Mutations may issue a summons for the attendance of either or both the transferor and transferee or their respective representatives, either simultaneously or at different times, at his office:

Provided that, in lieu of issuing a summons, he shall either himself go and examine or issue a commission for the examination of any person who is—

(a) exempt by law from personal appearance in Court,

(b) unable by reason of bodily infirmity without risk or serious inconvenience to attend at the office, or

(c) in jail under Civil or Criminal process.

9. The Registrar of Mutations on receipt of a notice under section 6, whether within the prescribed period or not, from a person claiming by succession shall, after satisfying himself as to the identity of such person and causing the signature and addition of such person to be endorsed on the notice, by notice affixed in a conspicuous place and by beat of drum in the village in which the land claimed is situated, call upon any person who desires to do so to appear before him at his office within one month from the date of the last mentioned notice and deny the succession, and if within that period no one appears and denies the succession, he shall endorse a statement of the fact on the notice, affixing the date and his signature to the endorsements, and shall register the succession in the Register of Mutations in such manner as the Local Government [1] shall from time to time by rule prescribe. Duty of Registrar on receipt of notice from successor.

10. Notwithstanding anything contained in sections 8, 9 and 12, any person may attend at the office of the Registrar of Mutations by agent duly authorized by power of attorney executed and authenticated in manner hereinafter mentioned. Appearance by agent.

11. (1) For the purposes of the last preceding section, the powers of attorney here mentioned shall alone be recognized— Powers of attorney.

(a) if the principal at the time of executing the power of attorney resides in British India, a power of attorney executed before and authenticated by any Magistrate or the Registrar or Sub-Registrar appointed under section 6 of the Indian Registration Act, 1877, [2] within whose district or sub-district the principal resides;

(b) if the principal at the time aforesaid does not reside in British India, a power of attorney executed before and authenticated by a notary public or any Court, Judge, Magistrate, British Consul or Vice-Consul or representative of Her Majesty or of the Government of India:

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3 and Sch. D, Pt. I, cl. I, n Vol. I, pp. C?3, C?5.

[2] Printed in General Acts, 1877-81, Ed. 1898, p. 41.

Provided that the following persons shall not be required to attend at any office or Court for the purpose of executing any such power of attorney as is mentioned in clause (a) of this section —

persons exempt by law from personal appearance in Court,

persons who by reason of bodily infirmity are unable, without risk or serious inconvenience so to attend and

persons who are in jail under Civil or Criminal process

(2) In every such case the officer if satisfied that the power of attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or Court To obtain evidence as to the voluntary nature of the execution, the officer may go to the person purporting to be the principal and examine him or issue a commission for his examination Any power of attorney mentioned in this section may be proved by the production of it without further proof, when it purports on the face of it to have been executed before and authenticated by the officer hereinbefore mentioned in that behalf

Law as to summonses and commissions

12 The law for the time being in force as to summonses commissions and the compelling the attendance of persons summoned in suits before Civil Court shall, *mutatis mutandis* apply to any summons or commission issued, and any person summoned under this Act

Reason for refusal to register to be recorded

13 Whenever a Registrar of Mutations after receipt of a notice under section 6 does not register the transfer or succession in respect of which it is given he shall make an entry of the fact and state his reasons in such manner as the Local Government [1] may from time to time prescribe

Procedure on denial of transfer

14 If any of the persons purporting to have signed the notice, or any one mentioned therein as transferor or transferee or in the case of the death of either if his representative denies the transfer,

or if any such person appears to be a minor, an idiot or a lunatic, or

if any person, where the claim is by succession appears before the Registrar on issue of a notice under section 9 and denies the succession

the Registrar of Mutations shall refuse to register the mutation

Procedure when transferor's name not in record of rights

15 If the name of a transferor or of a deceased person through whom succession is claimed inserted in a notice given under section 6 is not recorded in the record of rights as that of the person in possession of the land specified in the notice the Registrar of Mutations shall without registering the transfer or succession, as the case may be by a notice, affixed in a conspicuous place, and by beat of drum in the village in which the land claimed is situated, call upon any person who desires to do so to appear before him at his office within one month from the date of the last mentioned notice and deny that the alleged transferor, or deceased person through whom succession is claimed,

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl I in Vol I pp 623 624

was at the time of the alleged transfer in possession of the land specified in the notice

And if no person within the prescribed period so appears and denies, the Registrar of Mutations shall, if the other provisions of the Act are complied with, record the transfer or succession, the subject of the notice, in the Register of Mutations

16 (1) When a Registrar of Mutations has made an order refusing to register a transfer or succession, an appeal shall lie within thirty days from the date of the order against such order to the Collector of the district to whom such Registrar of Mutations is subordinate and the Collector may, after taking such evidence as he thinks necessary reverse or alter such order and if the Collector directs the transfer or succession to be registered, the Registrar of Mutations shall obey such order,

Appeal against refusal to register.

and such registration shall take effect as if the transfer or succession had been registered when the notice was first given under section 6

(2) No appeal shall lie from any order of a Collector passed under this section

17 The Registrar of Mutations shall give to the person giving a notice under section 6 a receipt therefor and shall upon his application grant to him free of charge, a copy of the entries made in the Register of Mutations in pursuance of such notice

Registrar to give receipt for notice and if required copy of entries in register

18 (1) On payment of the prescribed fees the Register of Mutations shall be open to inspection by any person applying to inspect the same, and a copy of any entry therein shall be given to any person applying therefor

(2) Copies given under this section shall be signed and sealed by the Registrar of Mutations and shall be admissible for the purpose of proving the contents of the original entry

Registrar to allow inspection and to give certified copies of entries in Register

19 (1) The Local Government [1] shall from time to time prepare tables of fees payable—

Fees to be fixed by the Local Government

(a) for the registration of mutations—
 (i) within the prescribed period,
 (ii) after the prescribed period,
(b) for copies of entries in the Register of Mutations,
(c) for inspecting the Register of Mutations
(d) for notices, processes and commissions given or issued under this Act,
(e) for such other matters as appear to the Local Government [1] necessary to effect the purposes of this Act

and may from time to time alter such tables

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905) s 3 and Sch. D Pt I cl I in Vol I pp 623 624

(2) Tables of fees so payable shall be published in the Calcutta Gazette, [1] and a copy thereof, in English and the Vernacular language of the district, shall be exposed to public view in the office of every Registrar of Mutations

(3) All fees for the registration of mutations shall be payable at the time when the notice is given under section 6

Fees under Tenancy Act

20 The fees payable to the Collector under sections 15 and 18 of the Bengal Tenancy Act, 1885 [2] may be paid to the Registrar of Mutations, when notice is given under section 6, and such payment shall be held to be payment to the Collector and the Registrar of Mutations shall forthwith transmit all fees so paid to the Collector, and such notice to the Registrar of Mutations shall be held to be a notice to the Collector under sections 15 and 18 of the Bengal Tenancy Act, 1885 [2] 8 of 1885

Notice by non occupancy or under raiyats

21 Any non occupancy raiyat or under raiyat if he thinks fit, may give any notice which a tenure holder raiyat at fixed rates and occupancy raiyat is bound to give under section 6 and if he gives such notice, the provisions of this Act as far as they are applicable shall thereupon apply

Registration of instruments effecting transfer of tenant right and simultaneous registration of mutations

22 A Sub Registrar, registering an instrument effecting a transfer of tenant right or, under the provisions of sections 64 and 65 of the Indian Registration Act, 1877, [3] receiving a memorandum of a transfer of tenant right, shall, as Registrar of Mutations, make an entry in the Register of Mutations as if he had received a notice under section 6 3 of 1877

Disability on failure to give notice

23 (1) No person bound to give notice under section 6 shall, after the period therein mentioned, be entitled to obtain a decree for, or recover, the rent of any land the subject of the transfer or succession until he has given such notice, and if the defendant denies that the notice has been given, or if the Court thinks fit, it may require him to file a certified copy of the entry in the Register of Mutations relative to such land, or to adduce evidence to the satisfaction of the Court that the notice was duly given

(2) No tenant bound to give notice under section 6 shall, after the period therein mentioned, in any suit in which his landlord is plaintiff and he is a defendant be entitled to adduce evidence that he is a tenure holder, raiyat at fixed rates or raiyat with a right of occupancy in the land held by him until he has given such notice, but the Court in which any such suit is tried shall afford the defendant sufficient time to enable him to give such notice

Penalty for omission to give notice under section 6

24 Whoever voluntarily or negligently omits to give, within the prescribed time, notice under section 6 shall be liable to such fine, not exceeding fifty rupees, as the Collector of the district may see fit to impose

[1] Now the E. B and A Gazette—see the Bengal and Assam Laws Act 1905 (7 of 1905), s. 3 and Sch. D Pt I cl. VII in Vol. 1 pp 623 625

[2] Printed in Vol. I, p 400

[3] Printed in General Acts 1877 81 Ed. 1898 p 41

Part II—Registration of Mutations—Part III—Recovery of Expenses of a Survey and Preparation of a Record of Rights—Secs 25 28)

25 After a notification has been issued under section 5, whoever voluntarily or negligently omits to file, within the period therein specified, the required statement, shall be liable to such fine, not exceeding one hundred rupees, as the Collector of the district may see fit to impose

Penalty for omission to file statement under section 5

Provided that no person shall be fined under this or the last preceding section who at any time prior to the institution of proceedings thereunder, or in the discretion of the Collector of the district at any time after such institution, has filed the statement required by section 5 or given the notice required by section 6

26 Every Registrar of Mutations and every person employed in his office for the purposes of this Act, who being charged with the duty of making any entry in the Register of Mutations, voluntarily omits to make such entry, or makes any entry therein which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury, as defined in the Indian Penal Code, [1] to any person shall be punished with imprisonment for a term which may extend to two years or with fine or with both

Penalty for omitting to make entry or making incorrect entry in Register with intent to injure

27 Whoever commits any of the following offences shall be punishable with imprisonment for a term which may extend to two years or with fine or with both —

Penalty for certain other offences

(a) intentionally makes any false statement whether on oath or not and whether it has been recorded or not before any Registrar of Mutations in any proceeding or inquiry under this Act,

Making false statements before Registrar of Mutations

(b) falsely personates another and in such assumed character presents any notice or makes any admission or statement or causes any summons or commission to be issued or does any other act in any proceeding or inquiry under this Act

False personation

(c) abets within the meaning of the Indian Penal Code [1] anything made punishable under this or the last preceding section

Abetment of certain offences

PART III

Recovery of Expenses of a Survey and Preparation of a Record of Rights

28 It shall be lawful for the Local Government [2] instead of proceeding under section 114 of the Bengal Tenancy Act 1885 [3] to recover from all

Recovery of expenses of initial survey etc

[illegible] 1891 [illegible] Ed 1898 p 210

—see the Bengal and Assam [illegible] I pp 623 [illegible]

(Part III —Recovery of Expenses of a Survey and Preparation of a Record of Rights —Secs 29-32)

or any of the proprietors, landlords, tenants and rent free owners and occupiers in any district or part of a district, either in one year or several years, and in the manner specified in the sections following, their shares of all the expenses declared by the Local Government [1] to be recoverable from proprietors, landlords, tenants and rent free owners and occupiers, which have been incurred in making a survey and record of rights and a settlement of rents under Chapter X of the Bengal Tenancy Act, 1885 [2] such costs not having been incurred for the purposes of a settlement of land revenue 8 of 1885

Area rate and date of recovery of expenses

29 The Local Government [1] may from time to time determine the total expenses which have been incurred in any district or part of a district in making a survey and record of rights and the amounts (in such proportions as the Local Government [1] may from time to time determine) which shall be paid by the proprietors landlords tenants and rent free owners and occupiers, respectively in such district or part of a district, and the date from which the expenses aforesaid shall be recovered, and may specify the rate per acre to be paid by the said proprietors landlords tenants and rent free owners and occupiers

Payment of expenses by proprietors

30 The amount due from proprietors shall be paid together with such instalment of land revenue as the Local Government [1] may direct, and arrears shall be recoverable under the law [3] for the time being in force for the recovery of public demands

Payment of expenses by tenants and rent free owners and occupiers

31 The amount due from tenants and rent free owners and occupiers shall, subject to any orders passed by the Local Government [1] under section 28 be paid by them to the Settlement Officer, on tender of such extract from the record of rights as they may be entitled to receive Arrears shall be recoverable under the law [3] for the time being in force for the recovery of public demands

Recovery from successors in interest

32 When any proprietor, landlord, tenant or rent free owner or occupier liable to pay any portion of the expenses under an order passed under this Part since such expenses were incurred, has died or has transferred, in whole or in part his interest in any land on account of which he may have become liable and such portion of the expenses remains unpaid, it shall be lawful for the Collector to recover the said expenses, or any portion thereof, from the person in possession of such interest or portion thereof Such expenses shall be recoverable under the law [3] for the time being in force for the recovery of public demands

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[illegible] —see the Bengal and Assam [illegible] I, pp 623, 624

[illegible] of 1893) *ante*, p 302

PART IV

MISCELLANEOUS

33. Every Sub-Registrar appointed under this Act to be a Registrar of Mutations, and every person appointed temporarily to discharge the duties of any such office, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, [1] and all official records and papers kept by any such officer under this Act shall be held to be public records and the property of Government

Registrars of Mutations to be public servants and their records public records.

34. Every order of a Registrar of Mutations affecting any entry in the Register of Mutations shall be appealable for a period of one month from the date thereof to the Collector of the District

Appeals.

No appeal shall lie from any order of a Collector passed under this section

35. The Local Government [2] may from time to time vest any officer other than the Collector of the district with special appellate powers under this Act, and every officer so vested shall be competent to hear and decide any appeal which the Collector of the district is competent to hear and decide under this Act

Local Government may vest officer with special appellate powers.

36. (1) The Local Government [2] or the Board of Revenue [3] with the sanction of the Local Government [2] may, from time to time, make, repeal and alter rules, consistent with this Act,—

Power to make rules for selection, etc., of Sub Registrars.

(a) regarding the appointment, control, discipline and payment of all Registrars of Mutations and their establishments,

(b) prescribing the manner of making entries of mutations in the record-of-rights, preparing new editions of such records, and re-publishing them from time to time, or otherwise making them available for public information

(c) regarding the distribution of the expenses incurred under Part III and

(d) generally, for the purpose of giving effect to the provisions of this Act

(2) The provisions of section 190 of the Bengal Tenancy Act, 1885, [4] shall apply to rules made under clauses (b), (c) and (d)

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[1] [illegible] 1808 p 840

I [illegible] —see the Bengal and Assam [illegible] I, pp 623 624

I [illegible] -see the Bengal and Assam [illegible] n Vol I pp 623, 625

BENGAL ACT 8 OF 1895

(THE BENGAL SANITARY DRAINAGE ACT 1895)

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BENGAL ACT 8 OF 1895 [1]

(THE BENGAL SANITARY DRAINAGE ACT, 1895)

[*30th October*, 1895]

An Act to facilitate the construction of drainage works for improving the sanitary condition of local areas

WHEREAS it is expedient to facilitate the construction of drainage works for improving the sanitary condition of local areas within the territories administered by the Lieutenant Governor of Bengal [2] and to lay down a procedure therefor other than that provided by section 37B [3] of the Bengal Municipal Act, 1884 It is enacted as follows — Ben Act 3 1884

PART I

CHAPTER I

PRELIMINARY

Short title and extent

1 (1) This Act may be called the Bengal Sanitary Drainage Act, 1895

(2) Except as hereinafter otherwise provided,[4] it shall extend to all the territories administered by the Lieutenant Governor of Bengal [2] which are not included within the limits of any municipality

(3) [*Commencement*] *Rep by the Repealing and Amending Act*, 1903 (1 of 1903)

Definitions

2 In this Act, unless there be something repugnant in the subject or context,—

(*a*) "cultivating raiyat" shall have the meaning attached to it in the Cess Act, 9 (B C) of 1880 [5]

(*b*) "estate" shall have the meaning attached to it in the Cess Act, 9 (B C) of 1880 [5]

[1] LEGISLATIVE PAPERS —For Statement of Objects and Reasons *see* Calcutta Gazette, 1894 Pt IV p 10, for Report of Select Committee *see ibid* 1895 Pt IV p 36 and for [illegible] 95 Suppl pp 149

[illegible] vince of Bengal and [illegible]

[illegible] the Chittagong Hill [illegible]

[illegible] extent *see* [illegible]

(c) "holder of an estate or tenure" shall have the meaning attached to it in the Cess Act, 9 (B C) of 1880 [1]

(d) "local area" means the portion of a district or districts within which a rate is to be levied, in order to liquidate the cost of a scheme adopted by a District Board [2]

(e) "tenure" shall have the meaning attached to it in the Cess Act, 9 (B C) of 1880 [1]

(f) "the Collector" means, except as hereinafter [3] provided, the officer in charge of the revenue jurisdiction of the district within which the lands, which form the subject of a scheme under this Act, are situated

(g) "the Commissioners" means the Drainage Commissioners under this Act

(h) "the Engineer" means the District Engineer or any Engineer especially appointed by the Local Government [4] to perform the functions of an Engineer under this Act

(i) "tract" means the portion of a district or districts throughout which the Commissioners are authorized to exercise the functions conferred on them under this Act [5]

CHAPTER II

Appointment of the Commissioners

3 (1) Whenever an application is received from a District Board through the Collector and the Commissioner of the Division reporting that they believe that the sanitary condition of any tract within their jurisdiction has been deteriorated by the obstruction of drainage, whether from natural or artificial causes, the Local Government [4] may— Appointment of the Commissioners.

(a) issue if it think fit, an order indicating approximately the area of the tract affected and prescribing the appointment of a number of persons, not less than nine, to be the Drainage Commissioners,

(b) direct the District Board to elect not less than half of such number from among the members of the District or Local Board as the case may be,

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[1] Printed in Vol II p 469

[2] *See* also s 13 *post* p 342

[3] *See* ss 6 (1), 31 32 and 35 (*g*) *post* pp 340 346 347 348

[4] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch. D Pt. I cl I in Vol. I pp 623, 624

[5] For definition of 'scheme', *see* s 13 *post* p 342

(c) appoint the remainder of the Commissioners from among the holders of estates and tenures in the tract affected or from among the managers on behalf of such holders

(2) The Commissioners so created shall elect one of their number to act as Chairman

Procedure when several local authorities are interested

4 (1) When an affected tract referred to in the last preceding section includes lands subject to the jurisdiction of more than one local authority, the Local Government,[1] by an order made on the application of any District Board concerned may constitute a Joint Committee to be elected by all the local authorities concerned, the number to be elected by each being determined by the Local Government [1] as far as possible in proportion to the interest of such local authority in the tract affected

(2) The Local Government [1] may further confer on any Committee so constituted, or on such of them as may be specified in the order, all the powers of a District Board under this Act, and such order may contain such provisions respecting the proceedings of any such Committee as may seem proper, and may provide for the payment by the local authorities represented thereby of the expenses incurred by any such Committee and for the audit of their accounts

Resignation of the Commissioners

5 The Local Government [1] may from time to time accept the resignation of any of the Commissioners, or may add to their number, and in the event of any Commissioner dying, retiring, or ceasing to reside in the district in which such tract is situated, the vacancy so caused shall thereupon be filled by appointment or by election, as the case may be, the conditions of the original appointment or election being in each case strictly observed

Provided that not less than half the number of the Commissioners shall always be members of the District or Local Board, as the case may be

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PART II.

CHAPTER I

DRAINAGE SCHEME

The Commissioners to direct survey, etc, and forward survey and preliminary scheme to the collector

6 (1) When the Commissioners have been appointed under section 3 or section 5, they shall, without delay, direct the Engineer to prepare a survey, plans and estimates (hereinafter called "the survey") for the restoration or improvement of the drainage of the tract found by him to be affected, and such survey shall be drawn up in accordance with rules to be framed under section 35 (1) (a)

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D, Pt I cl I, in Vol I, pp 623, 624

(Part II.—Chapter I.—Drainage Scheme—Secs 7, 8)

On the completion of the survey the Commissioners shall, within a period to be fixed by the District Board which made the application (hereinafter called "the District Board"), forward the same to the Collector of the District within which the tract affected, or the principal part of it, is situated, together with a report (hereinafter called "the preliminary scheme") containing—

(a) a statement descriptive of the proposed undertaking, and showing how the drainage is obstructed, with a map of the tract affected,

(b) an estimate of the total cost of the undertaking, including the cost of any land to be acquired under section 16,

(c) an estimate of the annual cost of maintaining the works

Provided that, if the tract affected includes any municipal area, the estimate to be framed under clauses (b) and (c) of this section shall show separately the portion of the cost under each clause, which will be incurred in respect of such municipal area

Provided further that, if one or more municipalities fall within the tract, a separate estimate shall be framed of the cost of constructing and maintaining such portion of the works as lies within the area of any such municipality

(2) The Collector shall thereupon cause to be prepared—

(d) a statement showing the valuation for cess purposes of the lands included in the tract affected, and the total amount of cesses actually payable on the same,

(e) an estimate showing the rate, bearing a definite proportion to the road cess [1] payable direct to Government, which would provide for the payment with interest in the course of thirty years of the amount under clause (b) and the capitalized value of the amount under clause (c) of this section, excluding the portion to be incurred in respect of the municipal area, if any

7 As soon as possible after the receipt of the survey and preliminary scheme the Collector shall publish in every village in the tract affected a notification in the language of the district, calling for objections — The Collector to publish notification.

Such notification shall be in the form in the Schedule hereto annexed and may be published by posting the same at each post office and police-station within such tract and in some conspicuous part of each village and at the Court of the Munsif within whose jurisdiction such village, or any part thereof, is situated

8 As soon as practicable after the expiry of the period fixed by such notification, the Collector shall forward to the Commissioners the survey and preliminary scheme, together with the petitions of objection, if any, received by him and shall call upon them to consider such survey and preliminary scheme together with such objections, and within a specified time to forward such survey and preliminary scheme to the Chairman of the District Board — The Commissioners to consider the survey, preliminary scheme and objections, and report thereon

[1] The road cess is imposed under the Cess Act 1880 (Ben Act 9 of 1880), printed in Vol II p 469

together with their report upon the objections, if any, as well as upon the state of public feeling in regard to such survey and preliminary scheme, and their advice as to their adoption or rejection

District Board to consider the survey and preliminary scheme

9 On receipt of such survey and preliminary scheme, the District Board shall within one month's time proceed to take them into consideration at a meeting specially called for the purpose

Procedure if survey and preliminary scheme are rejected

10 If the District Board reject such survey and preliminary scheme, the cost of such survey and the salary, if any, of the Engineer directed to prepare the same shall be paid by the District Board

Procedure if survey and preliminary scheme are adopted

11 If, at such meeting, a majority of the members present acting on the advice of the Commissioners or, with the approval of a majority of not less than two thirds of such members (such meeting to consist of not less than one half of the total number of the members of the Board) acting against the advice of the Commissioners adopt the survey and preliminary scheme, they shall revise the preliminary scheme in the following manner —

(*i*) they shall deduct from the aggregate amount estimated under clauses (*b*) and (*c*) of section 6 the sums, if any which have been either anticipated or promised as private subscriptions or contributed by the District Board, or provisionally promised by the Local Government, [1]

(*ii*) they shall thereupon submit the preliminary scheme so revised, together with the survey and the report prepared by the Commissioners under section 8, to the Collector

Procedure to be followed by the Collector

12 The Collector shall thereupon—

(*a*) calculate the amount, which, if expressed as a rate bearing a definite proportion to the road cess [2] leviable within the tract affected, would pay off the balance in equal annual instalments within thirty years (such instalments being fixed) so as to provide for the payment of interest on any sums borrowed from Government or the public,

(*b*) forward such survey and preliminary scheme through the Commissioner of the Division to the Local Government for consideration

Provided that, if the instalments so fixed shall exceed the amount annually payable as road cess [2] within the tract affected, the Collector shall return such preliminary scheme to the District Board for further consideration

"Scheme" and local area"

13 The "survey and preliminary scheme" thus adopted or modified shall be hereinafter called the "scheme," and the tract within which the new drainage rate is to be imposed shall be hereinafter called the "local area"

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905) s 3 and Sch D, Pt. I cl I in Vol I, pp 623, 624

[2] The road cess is imposed under the Cess Act, 1880 (Ben. Act 9 of 1880), printed in Vol II, p 469

(*Part II—Chapter I—Drainage Scheme—Secs 14-17*)

14 The Local Government [1] shall consider the scheme thus adopted or revised, together with the report of the Commissioners and may approve, modify or reject the same, and if it approve or modify the scheme, it shall thereupon return it, so approved or modified to the District Board through the Commissioner of the Division, with an intimation of the amount which the Local Government [1] will contribute towards the scheme

Powers of Local Government

Provided that if the modification adds materially to the cost of the operations the scheme thus modified shall again be laid before the District Board for their consideration

15 (1) The District Board may with the previous consent of the Local Government [1] at any time reconsider the scheme adopted by them and add to, alter or modify the same and if any addition alteration or modification is thereupon made by them, they shall lay before the Local Government [1] the scheme so added to, altered or modified, and the Local Government [1] may sanction the same or any portion thereof, and thenceforth the provisions of this Act shall apply to the scheme as ultimately sanctioned by the Local Government [1]

District Board may reconsider scheme etc adopted by them

(2) Every material addition alteration or modification made by the Local Government [1] or by a District Board to or in any scheme after the adoption thereof, shall be published in the manner provided in section 7 and the provisions of sections 8 to 12 (both inclusive) shall apply

16 Any land likely to be needed in carrying out any scheme sanctioned by the Local Government [1] under this Act may be acquired under the provisions of the Land Acquisition Act, 1894, [2] or any similar Act for the time being in force for the acquisition of land for public purposes

Land required for drainage works how to be acquired

Provided that no compensation shall be paid for land recorded as a water course in the last revenue survey map published under section 4 of Act 9 of 1847 [3] or any similar enactment for the time being in force unless it be proved that such land has been under cultivation for a period of not less than twelve years previous to the acquisition

17 (1) All works under this Act shall be executed by the District Board, unless the Local Government [1] order such works, or any portion of them, to be executed by more than one District Board or by an Engineer appointed in that behalf by itself

Local Government may order execution of drainage works by an Engineer appointed by it.

(2) Any person duly authorized to execute any works under this Act may himself, or by his agents and workmen, enter into or upon any lands forming part of the local area and carry out such works thereupon as may be required

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl I in Vol I pp 623 624

[2] Printed in General Acts 1891 98 Ed 1899 p. 100

[3] The Bengal Alluvion and Diluvion Act 1847 It is printed in Vol I p 2?8

CHAPTER II

Expenditure and Apportionment

What amounts should be included in cost of construction

18 All amounts paid—

(*a*) as compensation for any lands taken for the purposes of this Act,

(*b*) as salaries of the engineer officer, servants or establishments specially employed by the Collector, the Commissioners or the District Board for the purposes of this Act,

(*c*) for any surveys, plans estimates valuations and incidental expenses connected therewith, whether antecedent or subsequent to the adoption of the scheme

together with all amounts expended in carrying out the purposes of this Act shall be included in, and be deemed to constitute the cost of construction of works

Engineer to report progress and completion of works

19 (1) The Engineer shall, once in every three months, until the works shall be finally completed, submit to the District Board a detailed report showing the progress of the works and the amount expended thereon up to date from the commencement of the work or from the date of the last report, and when the works are completed and the accounts closed, he shall submit to the District Board a final report showing the total cost

(2) If the local area includes areas subject to the jurisdiction of more than one local authority, the proportion of such cost shall be defrayed by each local authority, as far as possible in proportion to their interest in the work executed

(3) The District Board shall forward a copy of this report to the Local Government [1] through the Commissioner of the Division, with such remarks as to them shall seem fit and in the event of any local authority objecting to the proposed apportionment the Local Government [1] shall determine the proportion to be paid by them The decision of the Local Government [1] thereon shall be final

Amount to be apportioned how to be determined

20 The total cost of construction mentioned in section 18 shall be ascertained by adding together—

(*a*) the actual amount expended,

(*b*) the interest payable on the loans under the Local Authorities Loan Act, 1879, [2] if any, 11 of

(*c*) the capitalized value of the estimated cost of maintenance

From this sum shall be deducted the amounts subscribed or contributed as contemplated in sections 11 and 14

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl I in Vol I pp 623 624

[2] Printed in General Acts 1877 81 Ed 1898 p. 259

(*Part II —Chapter II —Expenditure and Apportionment —Secs* 21-25)

The Collector to determine rate

21 On receipt of the final report mentioned in section 19, the District Board shall require the Collector, within three months, to determine the amount of rate, which shall be collected with the road cess [1] annually payable direct to Government within the local area, and shall be sufficient to provide for the payment of the cost of construction as defined in section 20, in the course of not more than thirty years excluding the portion to be incurred in respect of the municipal area, if any

Rate to be published and to be paid with the road cess

22 (1) The rate so determined shall be published as provided in section 40 of of the Cess Act, 1880, [2] and shall be paid together with the road cess payable by those liable to pay such cess direct to Government within the local area, until such time as the period of not more than thirty years from the date of publication shall have expired or the cost of construction of the works has been liquidated

(2) All arrears of such rates shall be recoverable under the law [3] for the time being in force for the recovery of public demands

Share to be recovered by estate or tenure holder

23 Any holder of an estate or tenure who shall pay to the Collector any instalment of such rate payable under the last preceding section shall be entitled to recover half the amount of the instalment so paid from the holder of a tenure or cultivating raiyat holding lands within the local area under such holder of an estate or tenure in the same proportion and in the same manner as he is entitled to recover road cess or public works cess, payable of under the provisions of the Cess Act, 1880 [4]

Amount to be recovered by tenure holder from raiyat

24 Any holder of a tenure, who shall pay to the holder of an estate or tenure the sum due to such holder under the last preceding section, shall be entitled to recover half the sum so paid from the cultivating raiyats holding lands within the local area under such holder of a tenure in the same proportion and in the same manner as he is entitled to recover road cess or public of works cess, payable under the provisions of the Cess Act 1880 [2]

Recovery of municipal portion of cost.

25 (1) When the local area includes a municipal area, the amount payable under section 19 shall be defrayed by the municipality

(2) In order to provide for the payment with interest of such municipal share at the rate payable to Government by the District Board within a period of not less than thirty years, the amount required may be raised by an additional rate to be added to the tax upon persons or to the rate on the annual value of holdings as the case may be

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[1] The road cess is imposed under the Cess Act 1880 (Ben Act 9 of 1880) printed in Vol II, p. 469

[2] Printed in Vol II p 469

[3] *See* the Public Demands Recovery Act 1895 (Ben Act 1 of 1895) *ante* p. 302

PART III.

CHAPTER I

Miscellaneous

Drainage works subject to laws relating to public embankments

26 All outlets and water channels, natural or artificial which shall be cleared, altered, enlarged, excavated or cut under the provisions of this Act, and the construction and maintenance of embankments and dams and works therein or connected therewith, shall be subject to the law [1] for the time being in force regulating the construction and maintenance of public embankments rivers, channels and outlets

Penalty for constructing weirs etc, obstructing public drainage

27 (1) Any person who, without lawful authority, erects, or causes to be erected, any weir or other obstruction in any outlet or water channel, or cultivates the bed of a water channel, so as to obstruct natural drainage, shall, upon conviction before a Magistrate, be liable to a penalty not exceeding two hundred rupees for every such offence

(2) It shall be in the discretion of such Magistrate to direct any such offender to remove and pay for the entire cost of the removal of any such obstruction

Lands taken and works constructed under Act to be under District Board

28 All lands which are taken under the provisions of this Act for the purpose of the construction of works therein or thereon, and all works constructed under the provisions of this Act, as well as all outlets, water channels, embankments and dams so constructed, cleared, altered, enlarged, excavated or cut, shall be under the control and administration of the District Board

Powers of the Commissioners, etc; in taking evidence

29 The Commissioners, the Collector, and the Commissioner of the Division shall have all such powers as are conferred on Civil Courts by the Code of Civil Procedure [2] for the purpose of compelling the attendance of witnesses and the production of evidence, and for the purpose of examining witnesses in any inquiry or appeal, which they may be empowered to make or entertain under the provisions of this Act

14 of 18[illegible]

Proceedings not to be invalidated by irregularities

30 No proceeding under this Act shall be defeated or invalidated by reason of any defect or omission in the publication or service of any notification, notice or order, unless material injury is done to any person by such defect or omission

Local Government may empower any

31 The Local Government [3] may specially empower any person to do all such acts, to discharge all such functions, and to exercise all such powers

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[1] See—the Be[illegible] 291, Vol II, p 33, Vol II, p. 132, and Vol II, p 524

[2] Printe[illegible]

[3] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905), s 3, and Sch. D, Pt I, cl I, in Vol. I, pp 623, 624

as may be done, discharged or exercised by a Collector under this Act, and, on any person being so especially empowered, such person may do all such acts, discharge all such functions, and exercise all such powers, and such person shall be deemed to be the Collector for the purposes of the scheme, in respect of which he is so specially empowered

person to act for the Collector

32 (1) The Collector may, with the sanction of the Commissioner of the Division, delegate to any Deputy or Assistant Collector, the performance of any acts or the discharge of any functions which the said Collector may perform or discharge under this Act

The Collector may delegate his authority to another

(2) Upon such delegation, such Deputy Collector or other officer may do such acts, discharge such functions, and exercise such powers for the performance of the same, as the Collector may exercise under this Act

Provided that all acts done, functions discharged, and powers exercised by such officer, shall be done discharged, or exercised subject to the control and supervision of the Collector

33 Notwithstanding anything hereinbefore contained, all the proceedings of the Commissioners and of the Collector under this Act shall be subject to the general control and supervision of the Commissioner of the Division, or, when the tract or local area affected comprises land situated in more than one Division, of such Commissioner as the Local Government [1] may direct

Proceedings of the Commissioners and the Collector subject to control of Commissioner of Division

34 If at any time the Local Government [1] is satisfied that the cost of any scheme of works, including the cost of maintenance, has been erroneously estimated it may direct that the scheme be no further proceeded with, until the same has been revised

Local Government may direct cessation of work and revision of the scheme

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CHAPTER II

Rules

35 (1) It shall be lawful for the Local Government, [1] from time to time, to make, and, when made, to alter or repeal, rules not inconsistent with this Act, for the purpose of—

Power of Local Government to make rules and to cancel them

(a) prescribing the forms of accounts, surveys, plans, estimates, periodical statements and reports,

(b) regulating the conduct of business at the meetings of the Commissioners,

(c) regulating the instalments by which and the mode in which sums payable under this Act shall be paid,

(d) regulating the carrying out and maintenance of works when one or more local authorities are concerned,

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[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905) s 3 and Sch D, Pt. I, cl. I, in Vol. I, pp 623 624

(The Schedule)

(e) ascertaining the capitalized value of the estimated cost of maintenance of drainage works

(f) providing for professional supervision over the preparation of surveys plans and estimates, and the execution and maintenance of drainage works

(g) allotting the duties of the Collector under this Act among Collectors of different districts as may be convenient and

(h) generally carrying out the purposes of this Act

(2) The Local Government [1] shall before making altering or repealing rules under this section publish a draft of the proposed rules and alterations and a notification of the proposed repeals in three consecutive numbers of the Calcutta Gazette [2] and shall specify a date not less than one month from the date of publication at or after which such draft and notification will be taken into consideration

(3) The Local Government [1] shall receive and consider any objection or suggestion which may be made by any person with respect to such draft and notification before the date so specified

(4) Every rule so made or altered and every repeal of any such rule under this section shall be thereafter published in the Calcutta Gazette [2]

SCHEDULE

(see section 7)

BENGAL SANITARY DRAINAGE ACT 1895

To all whom it may concern

TAKE notice that with the object of improving the sanitary condition of the country it is proposed to restore or improve the drainage in the thanas of district

Copies of the plans and estimates of the work proposed which will affect (so many) villages are now in the office of and may be inspected by any persons interested at any time between 11 A M and 5 P M, Sundays and holidays excepted up to and including the day of

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[illegible] and Assam

[illegible] (7 of 1905).

(*The Schedule*)

It is estimated that if the said drainage scheme is carried out a rate will be payable by the residents of the villages affected which will be equivalent to on every rupee now paid as Road Cess for a period of thirty years from the date of the completion of the works unless the District Board shall decide to collect the amount within a shorter period

Any person objecting to the execution of the said works shall submit a petition in writing duly signed, to the Collector of on or before the day of

Any person who does not object in the manner and within the time mentioned, shall be held to have assented to the execution of the works

Collector

BENGAL ACT 1 OF 1896

(THE PROTECTION OF MUHAMMADAN PILGRIMS ACT, 1896)

CONTENTS

SECTION

BENGAL ACT 1 OF 1896 [1]

(THE PROTECTION OF MUHAMMADAN PILGRIMS ACT, 1896)

[10th *June*, 1896]

An Act to provide for the protection of Muhammadan Pilgrims.

WHEREAS it is expedient to provide for the protection of Muhammadan Pilgrims, It is hereby enacted as follows —

1. (1) This Act may be called the Protection of Muhammadan Pilgrims Act, 1896, *Short title, extent and commencement*

(2) [*It extends in the first instance to Calcutta only, but*] the Local Government [2] may, by notification in the Calcutta Gazette [3] extend it to any other place in the Province of Bengal, [4] and

(3) It shall come into force—

[(*a*) *in Calcutta from the date on which it may be published in the Calcutta Gazette with the assent of the Governor General, and*]

(*b*) in any place to which it may be extended by notification under sub section (2) of this section, from the date specified in this behalf in such notification

2 In this Act, unless there be something repugnant in the subject or context,— *Definitions*

(*a*) " pilgrim " means a Muhammadan who is proceeding to or returning from the Hedjaz,

(*b*) " pilgrim broker " means a person who buys and re sells, or sells on commission, or takes any reward for the purchase or sale of passage tickets, whether by sea or railway, for pilgrims,

(*c*) " agent " includes a person who has chartered a ship for the conveyance of pilgrims,

[(*d*) " *Calcutta* " *means the area for the time being included in* " *Calcutta* " *as defined in the Calcutta Municipal Consolidation Act*, 1888 [5] *and includes the Port of Calcutta*,] and

(*e*) " Commissioner of Police " means—

[(*i*) *as regards Calcutta, the Commissioner of Police for that town, and*]

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[1] LEGISLATIVE PAPERS —For Statement of Objects and Reasons *see* Calcutta Gazette, 1896, *Pt* IV, p 3, *for* Report of Select Committee *see ibid* p 5, *and for Proceedings in Council see ibid* Supplt pp 406 464, 695 and 737

[illegible]

[5] Bengal Act 2 of 1888 has been repealed and re enacted by the Calcutta Municipal Act, 1899 (Ben Act 3 of 1899)—*see now* s 3 (7) of the latter Act in Bengal Code 1905 Vol III, p 43

(*Secs* 3 6)

(ii) as regards any place to which this Act may hereafter be extended, any person whom the Local Government [1] may appoint by name or by virtue of his office to perform in such place the functions of the Commissioner of Police under this Act

Grant of licenses to act as pilgrim brokers

3 (1) The Commissioner of Police [2] shall from time to time grant licenses empowering persons to act as pilgrim brokers

(2) The Local Government [1] may, from time to time, make rules to regulate the grant of such licenses and to prescribe the conditions to be embodied therein

(3) All such rules shall be published in the Calcutta Gazette [3]

Licenses what to specify

4 Every such license shall specify—

(*a*) the name and address of the licensee ,

(*b*) the period for which the license is to be in force and

(*c*) the conditions subject to which the license is granted

Penalty for acting as pilgrim broker without a license or for lending license

5 Any person who without a license granted under section 3 acts as a pilgrim broker or who lends to another person a license granted to himself under that section shall on conviction be liable to fine which may extend to two hundred rupees for each offence

Penalty for misbehaviour of licensed pilgrim broker

6 If any licensed pilgrim broker—

(*a*) commits a breach of any of the conditions of his license , or

(*b*) purchases for or sells to any pilgrim a passage ticket by any ship to which the Native Passenger Ships Act, 1887, [4] applies, at any 10 of time before notice has been given by the master, owner or agent of the ship under section 7 of that Act [5] of the time at which it is proposed that the ship shall sail , or

(*c*) purchases for or sells to any pilgrim a passage ticket by any ship unless the proposed time of sailing is printed on such ticket , or

(*d*) charges any pilgrim a sum in excess of the cost price of any passage ticket, or of any provisions or other articles, purchased for him, or receives from him any fee or commission on account of any such ticket , or

(*e*) receives from the master owner or agent of any ship, or from any railway servant, any fee or commission in respect of the sale of any passage ticket for a pilgrim exceeding five *per centum* of the price of such ticket , or

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[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt. I cl I in Vol I pp 623 624

[2] For power to appoint an officer to perform the functions of the Commissioner of Police *see* s 2 (ii) on this page

[3] Now the E B and A Gazette—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl VII in Vol I pp 623 625

[4] *Now read* the Pilgrim Ships Act 1895—*see* s 17, *post* p 354

[5] *Now read* s 8 of the Pilgrim Ships Act 1895—*see* s 17, *post* p 354

(*f*) purchases for any pilgrim a passage ticket on which there is not printed or stamped the price charged for the passage according to the class of accommodation secured, or

(*g*) by fraud or false representation, or by any false pretence whatever, induces any person to purchase a pilgrim's passage ticket,

he shall, on conviction, be liable to fine which may extend to two hundred rupees for each offence

Power to suspend and cancel licenses

7 The Commissioner of Police [1] may—

(*a*) suspend the license of any pilgrim broker pending any inquiry into any accusation against him of misconduct for which, if proved, he would be liable to fine under section 6, and

(*b*) cancel the license granted to any pilgrim broker who is convicted of any offence under this Act or of any other criminal offence

Appointment and duties of Protectors of Pilgrims.

8 (1) The Local Government [2] may, from time to time, appoint any persons, being Muhammadans, to be Protectors of Pilgrims [*for Calcutta or*] for any place to which this Act may hereafter be extended

(2) Every Protector of Pilgrims shall, for the purposes of this Act, be subordinate to the Commissioner of Police,[1] and shall aid the Commissioner in giving effect to the provisions of this Act, shall advise and generally assist pilgrims during their stay in the place for which the Protector is appointed, and shall exercise supervision over the proceedings of all licensed pilgrim brokers therein

Power to enter ships conveying pilgrims

9 *Any Protector of Pilgrims, or any person authorized by the Commis*sioner of Police [1] in this behalf, shall be at liberty at all times to enter and inspect any ship advertised or offered to convey pilgrims from [*the Port of Calcutta or*] any place to which this Act may hereafter be extended

Penalty for not facilitating inspection

10 If the master or any officer of any such ship does not afford every reasonable facility for such inspection, he shall, on conviction, be liable to fine which may extend to two hundred rupees for each offence

Information to be supplied by master, owner or agent of ship conveying pilgrims

11 It shall be incumbent on the master, owner or agent of every such ship to supply the Protector of Pilgrims, on demand, with full particulars as to the class, tonnage and age of the ship, the number of passage tickets of each class to be issued for pilgrims, the price of each such ticket, the accommodation to be provided for pilgrims, the latest date of sailing, the ports, if any, to be touched at, and the probable date of the arrival of the ship at Jeddah

Penalty for refusal or omission to give such information or for giving false information

12 Whoever, as master, owner or agent of any such ship, refuses, or without lawful excuse omits, to give on demand any such information, or furnishes

[1] For power to appoint an officer to perform the functions of the Commissioner of Police see s 2 (ii) *ante* p 35[illegible]

[2] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905) s. 3 and Sch D, Pt. I cl. I in Vol. I pp 623 624

any such information which he believes to be false, shall, on conviction, be liable to fine which may extend to two hundred rupees for each offence

Penalty for issuing tickets in excess

13 Whoever, as master, owner or agent of any such ship, issues any passage-ticket for a pilgrim in excess of the number allowed by Certificate A granted under the Native Passenger Ships Act, 1887, [1] shall, for every passage ticket so issued, be liable, on conviction to fine which may extend to four times the original cost price of such ticket 10

Passage tickets to be numbered consecutively and to have price marked

14 (1) All passage tickets for pilgrims shall be numbered consecutively according to the order of issue, and shall have printed or stamped thereon the price charged for the passage

(2) Whoever, as master, owner or agent of any ship, issues two or more of such tickets bearing the same number, or issues any such ticket on which the price charged for the passage is not printed or stamped, shall, on conviction, be liable to fine which may extend to two hundred rupees for each offence

Certain provisions of Native Passenger Ships Act 1887, to apply to offences and fines under this Act

15 Sections 46, 47 and 49 of the Native Passenger Ships Act, 1887,[2] 10 of shall apply, throughout the territories under the administration of the Lieutenant Governor of Bengal [3] to all offences punishable and fines leviable under this Act

Certain penalties to be enforced only at the instance of the Commissioner of Police

16 The penalties to which masters owners and agents of ships are made liable by this Act shall be enforced only on information laid at the instance of the Commissioner of Police [4]

Construction of references to the Native Passenger Ships Act 1887

17 From the day on which the Pilgrim Ships Act, 1895, [5] comes into 14 of force, the references in this Act to the Native Passenger Ships Act, 1887, [6] 10 of shall be read as if made to the corresponding provisions of the said Pilgrim Ships Act

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[1] *Now read* Certificate A granted under the Pilgrim Ships Act 1895—*see* s 17, on this page

... page

... of Police

... Gazette of

) p 243

BENGAL ACT 2 OF 1896

[THE BENGAL MUNICIPAL (AMENDMENT) ACT, 1896] [1]

[28*th October*, 1896]

An Act to further amend the Bengal Municipal Act, 1884. [2]

WHEREAS it is expedient to further amend the Bengal Municipal Act, 1884, [2] It is hereby enacted as follows —

1 [*Commencement*] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

2 The word "section," as used in sections 3 to 18 both inclusive, of this Act, means a section of the said Bengal Municipal Act, 1884, [2] as amended by Bengal Act 4 of 1894 — Meaning of "section"

3 (1) For clauses (1), (2) and (3) of the first proviso to section 15 the following shall be substituted, namely — Amendment of section 15 Bengal Act 3 of 1884

(*i*), (*ii*), (*iii*) [Printed *ante*, p 46]

(2) In the definition of "rates" in the said section, the word "means," shall be substituted for the words "shall be deemed to include"

(3) To the said section the following shall be added, namely —

Explanation [Printed *ante*, p 16]

4 For section 37L the following shall be substituted, namely — Amendment of section 37L

37I [Printed *ante*, p 58]

5 To section 39 the following shall be added, namely — Amendment of section 39

[Printed *ante*, p 58]

6 (1) After the words "or Vice Chairman" in the first paragraph of section 42, the words "or under section 39 by persons signing a requisition" shall be inserted — Amendment of section 42

(2) For the words "Chairman or Vice Chairman" in the last paragraph of section 42, the word "President" shall be substituted

7 For section 69 the following shall be substituted, namely — Amendment of section 69.

69, 69A, 69B [*Printed ante, pp 66 to 68*]

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[1] SHORT TITLE —This short title was given by the Repealing and Amending Act, 1903 (1 of 1903) Sch I—*see* Vol I p 608

LEGISLATIVE PAPERS —For Statement of Objects and Reasons *see* Calcutta Gazette 1896 Pt IV p 11 for Report of Select Committee *see ibid* p 41 and for Proceedings in Council *see ibid* Supplt pp 573 695 731, 1260 1304 1399 1492 1556 and 1614

74) ine y of 84), this

The application of the Act is barred in the Chittagong Hill tracts by the Chittagong Hill tracts Regulation 1900 (1 of 1900) s. 4 (2) printed in Vol. I, p 754

[2] Printed *ante*, p 30

Amendment of section 70

8 (1) For the words "the last preceding section," in section 70, the words and figures "section 69, sub section (1)" shall be substituted

(2) To the said section 70 the following shall be added, namely —
[Printed *ante*, p 68]

Amendment of sections 131 141A, 142 and 147A

9 (1) For the words "or habitually used" and the words "and habitually used", in section 131 and section 142, the words "or is used in the ordinary course of business" and the words "and is used in the ordinary course of business" shall respectively be substituted

(2) For the words "habitually used", in section 147A the words "used in the ordinary course of business" shall be substituted

(3) To section 147A the following shall be added, namely —
[Printed *ante*, p 88]

(4) [*Repeal of the words "or cantonment" in sections* 141*A* and 147*A*] *Rep by the Repealing and Amending Act* 1903 (1 *of* 1903)

New section 141B

10 After section 141A the following shall be inserted namely —
141*B* [Printed *ante*, p 86]

New section 147B

11 After the said section 147A the following shall be inserted, namely —
147B [Printed *ante* p 89]

Amendment of section 238

12 In section 238, sub section (1), the words "or without waiting for the orders of the Commissioners for six weeks from the date of his giving notice in writing under section 237" shall be inserted after the words "as aforesaid"

Amendment of section 279

13 (1) After sub section (1) of section 279 the following shall be inserted, namely —
(1*a*) [Printed *ante*, p 124]

(2) In sub section (2) of the said section, the words "or amounts" shall be inserted after the word "amount," in the first place in which that word occurs

Further amendment of section 279

14 After clause (*b*) of the first proviso to section 279, the following shall be inserted, namely —
[Printed *ante*, p 124]

Amendment of section 321

15 In section 321, after the words "dwelling houses" the words "or privies" shall be inserted

Amendment of section 322

16 For section 322, sub section (3) the following shall be substituted, namely —
(3) [Printed *ante*, p 134]

Amendment of section 350

17 After clause (*a*) of section 350 the following shall be inserted, namely —
(*aa*) [Printed *ante*, p 139]

Amendment of section 351A

18 For clause (*f*) of section 351A the following shall be substituted, namely —
(*f*) [Printed *ante*, p 141]

19 [*Repeal of s* 31 *and part of s* 7 (1) of *Bengal Act* 4 *of* 1894] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

BENGAL ACT 1 OF 1897

[THE BENGAL PUBLIC DEMANDS RECOVERY (AMENDMENT) ACT, 1897]

CONTENTS.

SECTION

BENGAL ACT 1 OF 1897

(THE BENGAL PUBLIC DEMANDS RECOVERY (AMENDMENT) ACT, 1897] [1]

[31st *March*, 1897]

An Act to amend the Public Demands Recovery Act, 1895 [2]

WHEREAS it is expedient to amend the Public Demands Recovery Act, 1895, [2] It is hereby enacted as follows — *Ben 1895*

1 [*Commencement*] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

Meaning of "section and Schedule"

2 In this Act unless there is something repugnant in the context, ' section ' and " Schedule " mean respectively a section of and the Schedule annexed to the said Public Demands Recovery Act 1895 [2]

3 [*Repeal of part of sections* 2, 16, 23 *and* 33 *of Ben Act* 1, 1895, *and part of Form No* 2 *in the Schedule thereto*] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

Amendment of section 4, Ben Act 1 of 1895

4. In clause (3) of section 4, for the words " Municipal Committee " the words ' body of Municipal Commissioners " shall be substituted

Amendment of sections 6 (2) and 15

5 In sub section (2) of section 6, and in section 15, for the words " nineteen, " in each place in which it occurs, the figures " 32 " shall be, and be deemed to have always been, substituted

Amendment of section 7

6. For section 7 the following shall be, and be deemed to have always been, substituted, namely —

7. [Printed *ante*, p 304.]

Amendment of section 8

7. For the second sentence of section 8 the following shall be, and be deemed to have always been, substituted, namely —

[Printed *ante*, p 306]

Amendment of section 9

8 (1) For sub section (1) of section 9 the following shall be, and be deemed to have always been, substituted, namely —

(1) [Printed *ante*, p 306]

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[1] SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903 (1 of 1903) Sch I—*see* Vol I, p 608

LEGISLATIVE PAPERS —For Statement of Objects and Reasons, *see* Calcutta Gazette, 1896 Pt IV, p 78, for Report of Select Committee *see ibid* 1897, Pt IV, p 15, and for Proceedings in Council, *see ibid*, 1896, Supplt, pp 1261 1305 and 2900, *ibid*, 1897, Supplt, pp 160 581 and 700

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(2) In sub-section (2) of the said section the word "Authority" shall be, and be deemed to have always been, inserted after the word "Officer," and the words "of every such requisition, except when made by a Government Officer under clause (*a*) of sub section (1) of this section" shall be substituted for the word "thereof"

(3) In sub section (3) of the said section the word "demand" shall be, and be deemed to have always been, substituted for the word "arrears"

9. For section 14 the following shall be substituted, namely — Amendment of section 14

14 [Printed *ante*, p 308.]

10. In section 17, clause (*c*), the words "any law or any rule having the force of law" shall be substituted for the words "any Regulation or Act for the time being in force," and the words "law or rule" shall be substituted for the words "Regulation or Act" Amendment of section 17

11. (1) In sections 18, 22, 32 and 33 the words "or Deputy Collector" shall be substituted for the words "Deputy Collector or Assistant Commissioner," wherever they occur Amendment of sections 18, 22, 29, 30 and 32, and further amendment of section 33

(2) In section 29, the words "and Deputy Collector" shall be substituted for the words "Deputy Collector and Assistant Commissioner"

(3) In section 30, the words "and Deputy Collectors" shall be substituted for the words "Deputy Collectors and Assistant Commissioners"

12. For sections 19, 20 and 21 the following shall be substituted, namely — Amendment of sections 19, 20 and 21

19, 20, 21 [Printed *ante*, pp 310, 311.]

13 In section 22, the words and figures "any certificate made under sections 5, 7 or 9" shall be substituted for the words "such certificate" Further amendment of section 22

14. In section 23, sub section (3), the figures "21" shall be substituted for the word "nineteen" Further amendment of section 23.

15. In section "26," the word "and" shall be inserted before the words "in the register" Amendment of section 26

16. In section 27, the words "Local Authority, Manager or Revenue-authority" shall be, and be deemed to have always been, substituted for the words "other than a Certificate Officer, or from a Manager appointed by the Court of Wards," and the words "District Collector, Certificate Officer, Government Officer, Local Authority, Manager or Revenue authority" shall be, and be deemed to have always been, substituted for the words "other District Collector or Officer or Manager" Amendment of section 27

17. In Form No 2 in the Schedule, for the words "Government Officer [or Manager and of what estate] to whom due" the words "name of Authority or person who is to be deemed to be the decree holder" shall be, and be deemed to have always been, substituted, and the words "*or, as the case may be*" shall be, and be deemed to have always been, inserted after the letters "C D" Further amendment of Form No. 2 in the Schedule.

BENGAL ACT I OF 1897

(THE BENGAL PUBLIC DEMANDS RECOVERY (AMENDMENT) ACT, 1897)[1]

[31st *March*, 1897.]

An Act to amend the Public Demands Recovery Act, 1895[2]

WHEREAS it is expedient to amend the Public Demands Recovery Act, 1895,[2] It is hereby enacted as follows — B 18

1 [*Commencement*] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

Meaning of "section and "Schedule"

2 In this Act, unless there is something repugnant in the context, "section" and "Schedule" mean respectively a section of, and the Schedule annexed to, the said Public Demands Recovery Act, 1895[2]

3 [*Repeal of part of sections* 2, 16, 23 *and* 33 *of Ben Act* I, 1895, *and part of Form No* 2 *in the Schedule thereto*] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

Amendment of section 4, Ben Act I of 1895

4. In clause (3) of section 4, for the words "Municipal Committee" the words "body of Municipal Commissioners" shall be substituted

Amendment of sections 6 (2) and 15

5 In sub section (2) of section 6, and in section 15, for the words "nineteen," in each place in which it occurs, the figures "32" shall be, and be deemed to have always been, substituted

Amendment of section 7

6. For section 7 the following shall be, and be deemed to have always been, substituted, namely —

7. [Printed *ante*, p 304.]

Amendment of section 8

7. For the second sentence of section 8 the following shall be, and be deemed to have always been, substituted, namely —

[Printed *ante*, p 306]

Amendment of section 9

8 (1) For sub section (1) of section 9 the following shall be, and be deemed to have always been, substituted, namely —

(1) [Printed *ante*, p 306.]

---

[1] SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903 (1 of 1903) Sch I—*see* Vol I, p 609

LEGISLATIVE PAPERS —For Statement of Objects and Reasons, *see* Calcutta Gazette, 1896, Pt IV p 78, for Report of Select Committee, *see ibid* 1897, Pt IV, p 15, and for

[2] Printed *ante*, p 302

BENGAL ACT 5 OF 1897

(THE ESTATES PARTITION ACT, 1897)

An Act to amend the law relating to the Partition of Estates.

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BENGAL ACT 5 OF 1897 [1]

(THE ESTATES PARTITION ACT 1897)

[*8th December*, 1897]

An Act to amend the law relating to the Partition of Estates

WHEREAS it is expedient to amend the law relating to the partition of estates

And whereas the sanction of the Governor General of India has been obtained under section 5 [2] of the Indian Councils Act 1892 to the provisions contained in section 12 of this Act amending the Code of Civil Procedure [3],

It is hereby enacted as follows —

CHAPTER I

PRELIMINARY

1 (1) This Act may be called the Estates Partition Act 1897 Short title,

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[1] LEGISLATIVE PAPERS —For Statement of Objects and Reasons *see* Calcutta Gazette 1896 Pt IV p 34 for Preliminary Report of Select Committee *see ibid* 1897 Pt IV p 41 and for Proceedings in Council *see ibid* 1896 Suppl pp 695 741 2900 *ibid* 1897 Suppl pp 137 160 1687 3364 and 4023

LOCAL EXTENT —This Act extends to the whole of the former Province of Bengal and therefore to Eastern Bengal—*see* s 1 (2) *post* p 368

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... Act with (1) notes ... evenue and (2) rules ... Act *s e* the Batwara

For headings of Register of proceedings for the partition of estates under this Act *see* the Register and Return Manual 1902 p 7 and Correction Slip No 3

As to the inspection of work connected with partition *see* the Inspection Manual, 1902 pp 23 24

... B ... sh Ind a as to parti ... d. 1899 p 93 That ... ble property paying

... Procedure (Act 14 of 1882) ... That Code does not affect ... —*see* s 4 in *ibid* p 26 ... l revenue Settlement Regu

... at are entitled to claim parti ... (8 of 1793) s 26 in Vol. I

p 30

Ben ... Tenancy Act 1885—*see* s 105 (*d*) of that Act in

[2] ... to India Vol II Ed 1901 p 913

[3] ... 202

Extent and commencement

(2) It extends to the territories for the time being [1] under the administration of the Lieutenant Governor of Bengal, [2] and

(3) It shall come into force on the day [3] on which it is first published in the Calcutta Gazette after having received the assent of the Governor General

Repeal and savings

2 (1) On and from that day the Estates Partition Act, 1876 shall be repealed But— Ben 1876

(*a*) this repeal shall not affect the previous operation of the said Act, or anything duly done or suffered thereunder, or any fine incurred thereunder,

(*b*) where, in any pending case an order under section 63 of the said Act was made before the said day, the subsequent proceedings shall, unless all the proprietors request otherwise, be carried on *under the said Act as if this Act had not been passed*,

(*c*) subject to clause (*b*) of this section all pending proceedings which have been commenced under the said Estates Partition Act, 1876, before the said day shall be carried on under this Act, save that, where in any case the Collector has before that day directed that an application for partition be admitted, section 11 of the said Estates Partition Act, 1876 shall apply instead of clauses (*a*) and (*b*) of section 11 of this Act

(2) Any enactment or document referring to the said Estates Partition Act, 1876, or to any enactment repealed thereby, shall, so far as may be, and subject to sub section (1) of this section be construed to refer to this Act or to the corresponding portion thereof

Definitions

3 In this Act, unless there be something repugnant in the subject or context,—

(i) "Board" means the Board of Revenue for the territories for the time being [1] under the administration of the Lieutenant Governor, [4]

(ii) "Collector" means the Collector of the district on the revenue roll of which an estate which is under partition, or which it is proposed to bring under partition is borne, and includes—

(*a*) any officer whom the Board generally vests (as it is hereby empowered to do) with the powers of a Collector under this Act, and to whom the Collector has with the sanction of the Commissioner, delegated (as he is hereby empowered to do) any of his functions in respect of the partition of an estate, and

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[illegible] the transfer of that area [illegible] ad Assam Laws Act, 190[illegible]

[illegible] see the Bengal and Assam [illegible] vol. I, pp. 623 625

(*b*) any officer whom the Board specially vests (as it is hereby empowered to do) with the powers of a Collector for the purposes of any partition under this Act,

(iii) "Commissioner" means the Commissioner of Revenue to whom the Collector engaged in making a partition is subordinate,

(iv) "Deputy Collector" includes any Assistant Collector, Deputy Collector or Sub Deputy Collector whom the Collector may appoint (as he is hereby empowered to do) to effect a partition under this Act, or to conduct any of the proceedings connected with such partition,

(v) "proprietor" includes every person who is in possession of any estate under partition or any portion of such an estate, or of any interest in any such estate or in any part of such an estate, as owner thereof, whether or not such person is a recorded proprietor of the estate,

(vi) "recorded proprietor" means a person whose name is registered on the Collector's General Register of revenue paying land as proprietor of an estate, or of any share or interest therein,

(vii) the words "tenure", "permanent tenure", "holding" and "tenant" have the meanings attached to them in the Bengal Tenancy Act, 1885, [1]

(viii) "applicant" means any person who has applied to the Collector under the provisions of this Act for the separation from a parent estate of land representing the interest of such person in such estate, and for the assignment to him of such land as a separate estate liable for a demand of land revenue distinct from that for which the parent estate is liable,

(ix) "estate" means all lands which are borne on the revenue roll of a Collector as liable for the payment of one and the same demand of land-revenue,

(x) "joint undivided estate" means an estate of which two or more persons are proprietors,

(xi) "parent estate" means an estate for the partition of which proceedings are in progress under this Act or of which the partition has been effected under this Act,

(xii) "separate estate" means any distinct estate which is formed by the partition of a parent estate under this Act or for the formation of which, by such partition proceedings are in progress under this Act,

(xiii) "land" does not include houses or other buildings standing thereon,

(xiv) "rent" means whatever is lawfully payable or deliverable in money or kind by a tenant to his landlord on account of the use or occupation of the land held by the tenant, and "rent payable in kind" means, in money, the amount which would be determined as the rent if a commutation were made under section 40, sub section (4) of the Bengal Tenancy Act, 1885, [1]

[1] Printed in Vol. I, p. 400

(xv) "assets," when used with reference to land, means—

(*a*) in the case of land held by cultivating raiyats—the rent payable by them,

(*b*) in the case of land which is occupied by a proprietor—the rent which might reasonably be expected to be payable by cultivating raiyats if the land were occupied by them,

(*c*) in the case of land held on a permanent tenure which was created by all the proprietors of the estate, and which by any law for the time being in force is protected against the purchaser at a sale for arrears of land revenue—the rent payable by the holder of such tenure,

(*d*) in the case of land held on a tenure which

although not protected as aforesaid, is admitted by all the recorded proprietors of the estate to be a permanent tenure subject only to the payment of an amount of rent fixed in perpetuity and

is of such nature that the rent thereof is not liable to be enhanced under any circumstances by the proprietors of the estate or any person deriving his title from such proprietors,—

the rent payable by the holder of such tenure whether he be known as talukdar patnidar or mukarraridar, or by any other designation,

(*e*) the case of unoccupied land and land forming portion of a village site—such amount if any as the Deputy Collector may determine with reference to all the circumstances of the case,

and includes—

(*f*) all profits derived out of land by proprietors from trees, rights of pasturage, forest rights, fisheries and all other legal sources,

(xvi) "assets," when used with reference to an estate, means the assets of all land included in the estate,

(xvii) "Chapter" means a Chapter of this Act, and

(xviii) "section" means a section of this Act

CHAPTER II

RIGHT TO CLAIM PARTITION

Who entitled to claim partition — 4 (1) Subject to the provisions of this Act, every recorded proprietor of a joint undivided estate who is in actual possession of the interest in respect of which he is so recorded shall be entitled to claim a partition of the said

estate and the separation therefrom and assignment to him as a separate estate of land representing the interest of which he is in such possession

(2) Any two or more of such recorded proprietors may claim that land representing the interest of all such claimants be formed into one separate estate to be held by them as a joint undivided estate and every provision of this Act which applies to an applicant for partition shall apply to any two or more persons making any such claim

Partition according to interest

5 (1) If the interest of any recorded proprietor who is entitled to claim partition is an undivided share in an estate held in common tenancy, he shall be entitled to have assigned to him, as his separate estate, land of which the assets shall bear the same proportion to the assets of the parent estate as his undivided share in the parent estate bears to the entire parent estate

(2) If the interest of such recorded proprietor is the proprietary right over specific mauzas or lands forming part of the parent estate and held by him in severalty, he shall be entitled to have assigned to him as his separate estate the said mauzas or lands

(3) If the interest of such recorded proprietor consists of an undivided share held in common tenancy in specific mauzas or tracts forming part of the parent estate, but not extending over the whole area of the parent estate, he shall be entitled to have assigned to him as his separate estate land, situated within such specific mauzas or tracts of which the assets shall bear the same proportion to the assets of such specific mauzas or tracts as his undivided share in such specific mauzas or tracts bears to the entire mauzas or tracts

Provided that, if the interest of such recorded proprietor consists of such an undivided share in more than one mauza or tract, he shall not be entitled to have land assigned to him in every such mauza or tract, but the Collector may assign to him as his separate estate land situated in any one or more of the said mauzas or tracts, subject to the condition that the assets of such land are in proportion to the aggregate of the interests which he holds in all such mauzas or tracts

(4) If the interest of such recorded proprietor consists partly of land held in severalty, and partly of an undivided share either in the whole estate or in specific land held in common tenancy, he shall be entitled to have the portion of the common land falling by partition to his share added to the land held by him in severalty, and the estate thus formed shall be assigned to him as his separate estate, so that the assets shall bear the same proportion to the assets of the whole estate as his interest in all the land and undivided shares held by him bears to the aggregate interests of all the proprietors

(5) If the interest of such recorded proprietor is of more than one of the kinds specified in the preceding sub sections, land shall be assigned to him as far as possible in accordance with the principles therein laid down

(xv) "assets," when used with reference to land, means—

(*a*) in the case of land held by cultivating raiyats—the rent payable by them;

(*b*) in the case of land which is occupied by a proprietor—the rent which might reasonably be expected to be payable by cultivating raiyats if the land were occupied by them;

(*c*) in the case of land held on a permanent tenure which was created by all the proprietors of the estate, and which by any law for the time being in force is protected against the purchaser at a sale for arrears of land revenue—the rent payable by the holder of such tenure;

(*d*) in the case of land held on a tenure which,

although not protected as aforesaid, is admitted by all the recorded proprietors of the estate to be a permanent tenure subject only to the payment of an amount of rent fixed in perpetuity, and

is of such nature that the rent thereof is not liable to be enhanced under any circumstances by the proprietors of the estate or any person deriving his title from such proprietors,—

the rent payable by the holder of such tenure whether he be known as talukdar, patnidar or mukarraridar, or by any other designation;

(*e*) the case of unoccupied land and land forming portion of a village site—such amount, if any, as the Deputy Collector may determine with reference to all the circumstances of the case,

and includes—

(*f*) all profits derived out of land by proprietors from trees, rights of pasturage, forest rights, fisheries and all other legal sources;

(xvi) "assets," when used with reference to an estate, means the assets of all land included in the estate;

(xvii) "Chapter" means a Chapter of this Act; and

(xviii) "section" means a section of this Act.

CHAPTER II.

RIGHT TO CLAIM PARTITION.

Who entitled to claim partition. 4. (1) Subject to the provisions of this Act, every recorded proprietor of a joint undivided estate who is in actual possession of the interest in respect of which he is so recorded shall be entitled to claim a partition of the said

an estate shall be made, and no application for the partition of an estate shall be admitted,— on partition of estate with reference to land revenue

(*a*) if the annual amount of land revenue for which the separate estate of the applicant would after partition be liable would not exceed ten rupees, or

(*b*) if after separation of the applicant's interest the annual amount of land revenue for which the separate estate of the remaining proprietor or proprietors would be liable would not exceed five rupees, or

(*c*) if the Collector considers that for any reason any of the separate estates would be likely to prove an insufficient security for the payment of the land revenue which would be separately charged upon it

12 (1) Any Civil Court which has made a decree for the partition or for the separate possession of a share of an undivided estate paying land revenue to the Government may, notwithstanding anything in section 265 of the Code of Civil Procedure [1] cause the decree to be executed in the manner prescribed in section 396 of that Code, and if it does so the joint and several liability of the entire estate for the whole of the land revenue chargeable upon it shall not be prejudiced or affected Execution of decree for partition

(2) If any decree is sent to the Collector for execution under section 265 of the said Code the execution thereof shall be subject to the restrictions imposed by section 11 of this Act

13 The Collector may refuse to admit an application for the formation of land held in severalty into a separate estate or to proceed with a partition undertaken on such an application, or to admit or proceed with any other application for partition if in consequence of the land being intermingled with that held by other proprietors, the result of the partition would be to form out of a compact estate one or more estates consisting of scattered parcels of land in such a way as, in the opinion of the Collector, to endanger the safety of the land revenue Power to refuse partition which would result in formation of estates scattered so as to endanger the safety of the land revenue.

Provided as follows —

(*a*) a partition may be allowed in any such case if the recorded proprietors agree to such a distribution of land as would make the estates formed by the partition reasonably compact,

(*b*) nothing in this section shall be deemed to prohibit the partition into separate estates of any parent estate which before such partition is not compact and consists only of scattered parcels of land

14 No proprietor who has alienated any portion of his interest in an estate, or in any specific land of an estate, by private contract, with the condition that the transferee shall be liable in respect of the interest acquired by Interest alienated with special condition as to

[1] Printed in General Acts 1882 84 Ed 1898 p 262

liability for land revenue

him to pay a specified amount or a specified share of the land revenue for which the estate is liable (such amount or share being other than the proportionate amount or the proportionate share for which such transferred interest if formed into a separate estate would be liable under section 10),

and no proprietor who has derived his title from any proprietor who has made any alienation as aforesaid

shall be entitled to claim a separation under this Act of the interest which he continues to hold in the estate,

and no such transferee as aforesaid, and no person deriving his title from such a transferee, shall be entitled to claim a separation of the interest which has been so acquired

Provided that a separation of such interests may be made if the parties concerned agree—

(*a*) to waive the conditions of the contract as regards the proportion of land revenue for which the transferor and transferee or their representatives respectively are liable, and

(*b*) to hold the estates which may be allotted to them respectively by the partition subject to the payment of such amount of land revenue as may be assessed upon them respectively under this Act

Sale for arrears of land revenue of an estate which is under partition

15 If any estate has been declared to be under partition as provided in section 29, any arrears of land revenue accruing due thereon before the date specified in the notice issued under section 91 may be realized by sale of the estate as if the same had not been declared to be under partition, and, if such sale takes place, the partition proceedings shall cease from the date thereof, but shall be revived if the sale is set aside

Sale for arrears of land revenue of share in an estate which is under partition

16 Nothing contained in section 15 shall be deemed to affect the provisions of section 10, section 11, section 12, section 13 or section 14 of Act 11 of 1859 [1] (*an Act to improve the law relating to sales of land for arrears of revenue in the Lower Provinces under the Bengal Presidency*) or any similar law for the time being in force, in respect to the opening of separate accounts for different shares in an estate and the protection afforded to such shares thereby

Provided that, if any share in any estate is sold for its own arrears of land revenue while such estate is under partition in accordance with the provisions of this Act, such share shall be sold subject to the partition proceedings, which shall proceed as if no such sale had taken place, and the purchaser of the share sold may, from the date of such sale, exercise all the rights which the proprietor whose share he has purchased might have exercised, and shall be subject to all the liabilities to which such proprietor would have been subject in respect of the partition proceedings

[1] The Bengal Land revenue Sales Act 1859 It is printed in Vol I, p 318

CHAPTER IV

INITIATION AND DISCONTINUANCE OF PARTITION PROCEEDINGS

17 Every application for partition shall be made in writing to the Collector of the district on the revenue roll of which the estate is borne, and shall be presented by the applicant or by his duly authorized agent

Application for partition how to be made

18 Every such application shall be signed by the applicant or by his duly authorized agent, and shall contain the following particulars so far as they are known to or can be ascertained by him namely —

Application to be signed and to contain certain particulars

(*a*) the name of the parent estate,

(*b*) the number under which such estate is borne on the revenue roll, and the land revenue demand for which it is liable,

(*c*) the number under which such estate is borne on the Collector's General Register of revenue paying lands,

(*d*) the name and address of every proprietor, whether recorded or unrecorded, of such estate the name and address of every proprietor of any other estate holding land in common with the proprietors of the parent estate, and the name of the post office of the area within which each of the said proprietors resides,

(*e*) the character and extent of the interest of which each proprietor of the parent estate is in possession

(*f*) a specification of any land held by proprietors of the parent estate in common with proprietors of other estates, and of the rights of such proprietors respectively in such land and

(*g*) such further particulars if any as may be prescribed by rules made by the Board

19 (1) Every such application shall, subject to the provisions of sub section (4) of this section, be accompanied by a copy of the rent roll of the estate, and by a specification referring to the papers of every measurement and record of rights which has respectively been made of and prepared for the estate, by any officer appointed in that behalf by the Government or other competent authority and of which the person verifying the application under sub section (2) has knowledge

Application to be accompanied by copy of rent roll and by specification of previous measurements and record of rights

(2) The said application, rent roll and specification shall be verified at the foot of the application, by the applicant duly authorized agent having personal knowledge of the facts stated therein in the manner following or to the like effect —

"I, A B, declare that the particulars contained in this application, and in the rent roll and specification accompanying it are correct to the best of my knowledge and belief"

(3) If the said application, rent roll or specification contains any entry which the person making the verification knows or believes to be false, or does not believe to be true, such person shall be liable to be punished in the same manner as if he gave false evidence

(4) If the person presenting the application is unable to produce a rent-roll as required by sub section (1) of this section, he shall state the reason of such inability, and the name and address of the person who has in his possession the information necessary for the preparation of such rent roll , and the Collector may, if he thinks fit, require such person to produce such rent roll

Procedure if application is not in order

20 If any such application does not in the opinion of the Collector fulfil the requirements of the foregoing sections of this Chapter, he may either reject it or return it for amendment

Notification and notice of application

21 If in the opinion of the Collector the application fulfils the said requirements, and if there appears to him to be no objection to making the partition he shall—

(*a*) publish a notification of the application in the manner prescribed by section 104, and also by causing copies to be posted up at the Court of the Judge of the district and at the Court of every Munsif and Sub divisional Officer within whose jurisdiction, and at every police station within the jurisdiction of which, any land appertaining to the estate is known to be situated ,

(*b*) by such notification invite any person claiming any proprietary right in the estate, who may object to the partition, to state his objection, either in person or by duly authorized agent, on or before a day to be specified in the notification, not being less than thirty or more than sixty days from the date of the publication of the notification on the estate , and

(*c*) serve a notice of the application on such of the recorded proprietors of the estate as have not joined in the application, on any unrecorded proprietor who has been named in the application and on every proprietor of any other estate who holds land in common with the proprietors of the estate to which the application relates

Power to reject application on receipt of objection

22 If any person claiming a proprietary right as aforesaid states an objection to the partition on or before the day specified in the notification published under section 21, or at any subsequent time if it shall then seem fit to the Collector to admit such objection, and the Collector, on consideration of the objection, is of opinion that there is good and sufficient reason for rejecting the application, he may reject the same, and if he does so shall record the grounds of such rejection

(*Chapter IV—Initiation and Discontinuance of Partition Proceedings—Secs 23 26*)

Procedure when objection raises any question of right or title or of extent of interest

23 If any such objection raises any question of right or title or of extent of interest as between any applicant and any other person claiming to be a proprietor of the parent estate, and if it appears to the Collector that such question has not been already determined by a Court of competent jurisdiction, the Collector may hold such inquiry into the objection as he may deem necessary, and, if he be satisfied that the applicant is in possession of the extent of the interest for the separation of which he has applied, may instead of rejecting the application as provided in section 22

(a) direct that the partition proceedings shall proceed for the purpose of forming and assigning to the applicant a separate estate in accordance with the extent of interest claimed by him in the parent estate , or

(b) direct that such proceedings be postponed for four months

Resumption of proceedings after postponement

24 At the expiration of the said four months the Collector shall resume the proceedings unless the person who has made the objection or some other person —

(a) has obtained an order from a Civil Court directing that such proceedings be stayed or

(b) shows that a suit has been instituted before a Civil Court to try some question of such a nature as to lead the Collector to think the proceedings ought to be stayed until the question has been finally decided or until the proceedings in such Court in respect thereof shall have terminated

Suits instituted after four months not to affect or stay proceedings for partition

25 No suit instituted in a Civil Court after the lapse of four months after the Collector has—

(a) made a direction under clause (a) or clause (b) of section 23 or

(b) recorded a proceeding under section 29

by any person claiming any right or title in or to a parent estate shall avail to affect or stay the progress of any proceedings which may have been taken under this Act for the partition of the estate

Decree made while partition proceedings are in progress

26 (1) Every decree affecting a parent estate made by a Civil Court after the estate has been declared under section 29 to be under partition but before the date specified in the notice served under section 94 —

(a) shall be made in recognition of the proceedings in progress under this Act for the partition of the estate and

(b) shall be framed in such manner that the decree may be applied to and carried out in reference to the separate estates which the Collector in his proceeding recorded under section 29 has ordered to be formed out of the parent estate

(2) If the effect of any such decree be to declare any person or body of persons to be entitled to any extent of interest in the parent estate in excess of the extent of interest which the Collector in the said proceeding has declared to

be held by such person or body of persons, the decree shall specify, separately in respect of every proprietor or body of proprietors of whose interests the Collector has separately specified the extent in the said proceeding, the proportion of such excess which such person or body of persons is entitled to recover from every such proprietor or body of proprietors,

and every person or body of persons so entitled to recover any extent of interest from any such proprietor or body of proprietors shall, for the purposes of the partition proceedings, be deemed to have the same rights and to be subject to the same liabilities, as a person who has acquired such extent of interest from a proprietor or body of proprietors by private purchase after an estate has been brought under partition under section 29 and on the date on which the decree was passed

and such person or body of persons may apply, as in this Act provided for the separation and assignment to him or them of the lands representing the extent of interest so acquired,

and, notwithstanding anything contained in section 11, such application shall be dealt with as provided in section 30,

and the lands thereupon assigned to the said person or body of persons shall be amalgamated with his or their separate estate

Decree made after partition proceedings completed

27 (1) Every decree affecting a parent estate made by a Civil Court after the date specified in the notice served under section 94, in a suit which was instituted as mentioned in section 25,—

(*a*) shall be made in recognition of the partition proceedings, and

(*b*) shall be framed so as to give effect to the division of the parent estate into separate estates which has been ordered by the Collector, and so as not to disturb such division

(2) If the effect of any such decree be to declare any person or body of persons to have been entitled to any extent of interest in the parent estate in excess of the extent of interest which is represented by the separate estate assigned to such person or body of persons by the Collector in the partition proceedings, the decree shall specify, separately in respect of the proprietor or joint proprietors of every separate estate formed by the partition, the proportion of such excess of interest which such person or body of persons is entitled to recover from such proprietor or joint proprietors;

and every person or body of persons so entitled to recover any extent of interest from the proprietor or joint proprietors of a separate estate shall be entitled to recover such extent of interest out of the separate estate which has been assigned to such proprietor or joint proprietors, and out of such separate estate only,

and the decree shall be executed by placing the person or persons so entitled in the position of a recorded joint proprietor or recorded joint proprietors of such separate estate, holding the same as a joint undivided estate in common tenancy with the proprietor or joint proprietors to whom such separate estate was assigned by the Collector in the partition proceedings, the extent of the interest of the joint proprietors respectively in such estate being such as is declared in the decree.

Power of Civil Court to order partition on application being made to Collector.

28. (1) A Civil Court may at any time direct the Collector, upon an application being made to him in accordance with sections 17, 18 and 19,—

(a) to assign to any person land representing a specified interest in any estate, or in any specified village or tract of land in an estate, to be held by such person as a separate estate; or

(b) to divide off from any estate any specified land or villages, and to assign it or them to any person to be held as a separate estate:

Provided that no Civil Court shall in any such case—

(i) specify the amount of land revenue for which any separate estate which it may direct to be formed under the provisions of this section shall be liable; or

(ii) direct the Collector to carry out a partition otherwise than in accordance with the provisions of this Act.

(2) The Collector shall assess the land revenue on every such separate estate in accordance with the provisions of this Act.

Admission of application for partition, and procedure thereupon.

29. If no objection be made, within the time specified in the notification published under section 21, to an application for partition, or when all objections have been disposed of, and if the Collector has no reason to believe that any obstacle exists to his making the partition as applied for,

he shall direct that the application be admitted, and shall record a proceeding—

(a) declaring the estate to be under partition for the purpose of forming and assigning to the applicant a separate estate;

(b) declaring the extent of interest in the parent estate which he finds to be held by the applicant or joint applicants, or, if more than one separate application for separation has been admitted, the extent of interest in the parent estate which he finds to be held by every separate applicant or body of joint applicants respectively;

(c) declaring the extent of interest which remains to any recorded proprietor or body of recorded proprietors who are not applicants;

(d) ordering that land proportionate to the interest so declared to be held by each applicant, or body of joint applicants respectively, shall be formed into a separate estate, to be assigned to such applicant or body of joint applicants; and

(*e*) ordering that land proportionate to the interest so declared to remain to any recorded proprietor or body of recorded proprietors who are not applicants shall be left forming a separate estate,

and shall at the same time issue a notice to each of the proprietors by registered post letter informing him that the application for partition has been admitted and that the partition will be proceeded with and requiring him to register his name and address and to appoint an agent to accept service of process and to make any appearance or application or do any act required or authorized to be made or done by a party to a partition under this Act

Subsequent application for separation of another share

30 (1) At any time after the Collector has recorded a proceeding under section 29 and before the Deputy Collector has partitioned the land into separate estates under section 57 any recorded proprietor in the estate other than the original applicant may apply for the separation of his share

(2) The Collector may reject or admit any such application and if he admits it may order either that proceedings for affecting such separation shall be carried on simultaneously with the previous proceedings, or that compliance with the application be postponed until such previous proceedings have been completed, and the shares separated in accordance therewith

(3) When the consideration of any application which has been postponed under sub section (2) is resumed the papers of the previous proceedings aforesaid may be used so far as they are applicable

Power of Collector to refer application for partition to Deputy Collector

31 The Collector may refer any application for partition to any Deputy Collector for the purpose of making inquiries and doing any other thing authorized or required by this Chapter

Provided that every order—

(*a*) rejecting an application under section 22,

(*b*) directing, under section 23, that partition proceedings shall proceed or shall be postponed,

(*c*) directing, under section 29, that an application for partition be admitted,

(*d*) made under section 30, or

(*e*) appointing a Deputy Collector under section 32,

and every proceeding recorded under section 29,

shall be made and recorded, respectively, by the Collector and not by any Deputy Collector

Power of Collector to appoint Deputy Collector to carry out partition.

32 As soon as the Collector has declared an estate to be under partition as provided in section 29, he may appoint a Deputy Collector to carry out the partition and all or any of the proceedings necessary thereto

Power to

33 (1) If, at any time after an order has been passed for making a parti-

tion of a parent estate, all the recorded proprietors of the estate present a petition to the effect that they do not wish the partition to proceed, the Collector may, after such inquiry as he considers necessary, strike the partition case off the file, and at the same time require the proprietors to pay all costs incurred in and about the partition

Strike partition case off the file on petition of parties Recovery of costs

(2) Any such costs which have not already been levied as provided in section 37 shall be levied in proportion to the shares of the respective proprietors

34 (1) If, at any time after an order has been passed for making a partition, it appears to the Commissioner that any sufficient reason exists why the partition should not be proceeded with,

Power of Commissioner to strike partition case off the file Recovery of costs

he may, on the report of the Collector or otherwise, after issuing a notice calling on the persons interested to show cause why the partition case should not be struck off the file, and after considering any objections which may be made, order the partition case to be struck off the file

(2) All costs which have not already been levied as provided in section 37 shall thereupon be levied in proportion to the shares of the respective proprietors

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CHAPTER V

Establishments and Costs

35 The Deputy Collector, with the approval of the Collector, and subject to any rules made in that behalf by the Board, may appoint such persons as may be needed for the purposes of any proceedings under this Act and prescribe the scale of their remuneration

Power to appoint establishments and prescribe scale of remuneration

36 In any district or division in which partitions are so numerous or extensive as to render necessary the appointment of a special establishment in the office of the Collector or of the Commissioner, the Collector or the Commissioner, as the case may be, with the previous sanction of the Board, may appoint such establishment

Power to appoint special establishment

37 (1) As soon as possible after an estate has been declared to be under partition as provided in section 29, the Collector shall estimate the cost of making the partition, and the amount shall be levied from the proprietors in such instalments and at such times as may be fixed by rules made by the Board

Estimating and levy of cost of partition

(2) If the amount first estimated is found insufficient, supplementary estimates may be made from time to time, and the required amount may be levied as provided in sub section (1)

(*Chapter V—Establishments and Costs—Secs* 38 41)

Apportionment of cost of partition

38 The cost of making a partition shall be apportioned on the proprietors of the several shares in proportion to their shares

Provided that whenever it appears to the Collector that any partition proceedings have been unnecessarily delayed and the cost of the partition enhanced by obstacles vexatiously put in the way of the completion of the proceedings by one or more of the proprietors or by want of due diligence on the part of one or more of the proprietors in carrying out any requisition made upon him or them

the Collector may direct that such portion of the cost as he may think proper, in excess of the amount proportionate to the share or shares of such proprietor or proprietors shall be paid by him or them

Power of Deputy Collector to declare cost of local inquiry and by whom it is to be paid.

39 Whenever any local inquiry is held by the Deputy Collector or any other officer, in consequence of an objection raised by any person to any record of measurements rent roll or other information which has been laid before the Deputy Collector

the Deputy Collector may declare the cost which has been incurred by such inquiry and may direct that the entire cost so declared—

(a) shall be paid by the person making the objection, or by any one of the proprietors or

(b) shall be paid, in such proportions as the Deputy Collector thinks fit, by the said person and the proprietors or any of them, or

(c) hall be deemed to be a part of the cost of the partition

On completion of partition total cost to be declared and account adjusted

40 (1) Upon the completion of a partition, the Collector shall make an order declaring the total cost thereof

(2) The account shall then be adjusted, either by returning to the proprietors any sums which they may have paid in excess of the total cost or, if necessary, by levying from them, in the manner provided in section 108, any sums remaining due

Power to direct that salary of Deputy Collector and cost of special establishment be recovered as part of costs of partitions

41 (1) Whenever it appears to the Lieutenant Governor[1] that the work required to be done in connection with partitions under this Act in any district is so great that it would if concentrated in the hands of one or more Deputy Collectors fully occupy the time of such one or more Deputy Collectors, he may make an order directing that the salary of such one or more Deputy Collectors as the case may be shall be recovered from the proprietors of estates under partition in such district, as part of the costs of such partitions

(2) For the purposes of sub section (1) the salary of a Deputy Collector shall be deemed to be the amount of salary which is drawn by a Deputy Collector of the lowest grade

(3) Whenever it appears to the Lieutenant Governor[1] that the said work

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Law Act 1905 (7 of 1905) s 3 and Sch. D Pt I cl I in Vol I pp (23 62)

in any district is so great as to occupy a considerable portion, though not the whole, of the time of a Deputy Collector,

or whenever a special establishment is appointed under section 36,

the Lieutenant Governor[1] may direct that a portion of the salary of such Deputy Collector or the whole of the cost of such special establishment shall be recovered from the proprietors of estates under partition in such district as part of the costs of such partitions

42 (1) The Lieutenant Governor[1] may direct that in any district a Fund, to be called the "Estates Partition Fund," shall be formed, into which all sums levied from the proprietors of estates in such district in respect of partitions of their estates shall be paid and from which all costs of making partitions of estates in such district shall except as provided in section 43, be defrayed. **Estates Partition Fund**

(2) When the formation of an Estates Partition Fund has been directed in any district, the charges leviable in that district from the proprietors of any estate under partition may, notwithstanding anything contained in the foregoing sections of this Chapter, be levied according to a general scale of fees to be fixed by the Board

(3) Such scale of fees shall be fixed, as nearly as may be, so that the receipts and expenditure of the said Fund shall balance one another, and shall be revised from time to time by the Board so as to secure compliance with this condition

(4) The said fees shall be apportioned and the proportionate amount thereof due from any proprietor or proprietors may be increased, in the manner and under the circumstances mentioned in section 38

(5) The said fees shall be levied from the proprietors in such instalments and at such times as may be fixed in accordance with any rules which the Board may make in this behalf

(6) An abstract of the Estates Partition Fund of each district made up to the end of each financial year, shall be published in the Calcutta Gazette[2] and posted up at the office of the Collector of the district

43 (1) Whenever any Civil Court makes a decree awarding or declaring any proprietary right in an estate, and requires the Collector to make a partition of the estate, the Court shall, subject to the provisions of sections 38 and 39, at the same time direct either— **Order by Civil Court for payment by parties of costs of partition**

(*a*) that the party or parties who has or have withheld the right so decreed shall defray the whole of the costs of the partition or the whole of the fees payable in respect of the partition under section 42 or

(*b*) that the said costs or fees shall be defrayed by all or any of the parties to the suit in which the decree was made in such proportions as the Court

[1] N 4 T G — f E tern Bengal and Assam—see the Bengal and Assam f cL I in Vol. I pp 6-3 6-4 ngal and Assam Laws Act 1905 (7 of 1905) 25

may, upon a consideration of the particular circumstances of the case, deem equitable

(2) Copies of all orders passed under sub section (1) shall be transmitted to the Collector for his guidance together with the precept which the Court issues to him requiring him to divide the estate, and the Collector shall levy the said costs or fees from the parties, in accordance with the order, in the same manner and by the same means as if the levy of such costs or fees had been ordered by himself

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CHAPTER VI

PROCEEDINGS UP TO THE DETERMINATION OF THE PARTITION

Powers of Deputy Collector in making a partition

44 Every Deputy Collector making a partition shall as regards the estate under partition have so far as they are applicable all the powers exerciseable by a Survey officer under the Bengal Survey Act, 1875, [1] and by a Revenue officer employed in preparing a record of rights under Chapter X[2] of the Bengal Tenancy Act, 1885 Ben 1875 8 of 1

Deputy Collector when to make survey and prepare record of existing rents and assets

45 As soon as the Collector has recorded a proceeding under section 29, declaring an estate to be under partition, the Deputy Collector shall, subject to the provisions of section 49, make a survey and prepare a record of existing rents and other assets of all lands included in the estate

Particulars to be recorded

46 In making a survey and preparing a record of existing rents and other assets of land under section 45, the Deputy Collector shall ascertain and record the following particulars, namely —

(*a*) the name of each proprietor, landlord and tenant of the estate, and of every owner of revenue free land and occupier of rent free land therein,

(*b*) the situation, area and boundaries of the land owned or occupied by each of the said persons, and the character and extent of the interest held by each and the area of all other land in the estate which is not held by tenants,

(*c*) the rent then payable for all rent-paying lands,—

(i) as stated by the landlord,

(ii) as stated by the tenant, and

(iii) as taken by the Deputy Collector for the purposes of the partition, and

(*d*) the assets, if any, of all other lands,

and shall be guided by such rules as the Board may make under section 121, clause (*l*)

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[1] Printed in Vol II, p. 141 [2] Printed in Vol. I p 436

(Chapter VI —Proceedings up to the Determination of the Partition — Secs 47-49)

47 (1) When the Deputy Collector has made a survey and prepared a record of existing rents and other assets of land under section 45 he shall publish a notification, in a form to be prescribed by the Board fixing a day on which he will be present in the village, or at a convenient place within limits of distance to be fixed by general or special order of the Board for the purpose of attesting the survey papers and record of existing rents and other assets

Attestation of survey papers and record of existing rents and assets

(2) On the date fixed by the notification, or on any other date to which the proceedings may be adjourned, the entries made in the record of existing rents and other assets under section 46, or such of them as the Board may by rule prescribe, shall be read out, and corrected or added to as may appear necessary, in the presence of such of the interested persons as are in attendance

(3) If the correctness of any entry is disputed, the Deputy Collector shall note the statements of such of the persons aforesaid as are interested in the disputed entry and shall, after making such local inquiry if any as he thinks fit pass a summary order declaring what entry shall be accepted for the purposes of the partition

(4) If the correctness of any measurement is called in question and a fresh measurement is demanded the Deputy Collector may require the costs of the re measurement to be deposited

(5) If the re measurement shows the original measurement to have been inaccurate the amount deposited shall be refunded to the objector

48 When the survey papers and the record of existing rents and other assets have been attested as provided in section 47 the Deputy Collector shall cause a copy thereof to be locally published in such manner and for such period as the Board may by rule prescribe and there shall be furnished to each landlord and tenant a copy of such of the entries relating to his estate tenure, or holding, as the case may be, as the Board may by rule prescribe

Publication of survey papers and record of existing rents and assets

49 If at any time a survey of the estate under partition or any part there of has been made or a record of rights prepared by an officer appointed in that behalf under the orders of the Government, or

if any measurement papers and rent rolls are filed under section 19 or at any time before a survey has been begun under section 45 and if the correctness of such measurement papers and rent-rolls is admitted in writing by all the proprietors, and is verified by the Deputy Collector after testing on the spot, and if the Deputy Collector is satisfied that the land revenue would not be endangered,

the Deputy Collector may, unless the Collector otherwise directs and after making any correction which may appear necessary accept the papers of such survey, or the said record of rights, measurement papers or rent rolls,

Power of Deputy Collector to accept previous survey record of rights measurements or rent rolls instead of making a new survey and a record of existing rents and assets.

(Chapter VI—Proceedings up to the Determination of the Partition—Chapter VII—Partition by Amicable Arrangement or by Arbitration—Secs 50 53)

instead of making a new survey and preparing a record of existing rents and other assets under section 45

Record of order fixing of day for determining partition and service of notices

50 When the documents referred to in section 48 have been published or any documents referred to in section 49 have been accepted the Deputy Collector shall record an order stating that such documents have been adopted for the purposes of the partition and shall—

(a) fix a day on which to determine the partition of the lands into the several separate estates

(b) publish a notification calling on all the proprietors to be present on the day so fixed such day being not less than thirty or more than sixty days after the publication of the notification in his office and at the same time serve a notice on each of the proprietors to the same effect and

(c) serve a similar notice on the proprietors of each of the adjoining estates inviting them to appear and file their objections if any if they dispute the possession of any land of the estate under partition

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CHAPTER VII

PARTITION BY AMICABLE ARRANGEMENT OR BY ARBITRATION

Power to allow partition to be made by proprietors themselves or by arbitrators

51 (1) If all the recorded proprietors present on or before the day fixed under section 50 a petition requesting to be allowed to make the partition on the basis of the papers adopted by the Deputy Collector under Chapter VI—

(a) privately among themselves or

(b) by arbitration

the Deputy Collector may grant the request

(2) If after such request has been granted the proprietors or the arbitrators fail to make the partition within such time as may be fixed by the Deputy Collector in that behalf the Deputy Collector shall make the partition himself

Procedure on reference to arbitration

52 When a partition has been referred to arbitration the proceedings shall except as hereinafter otherwise expressly provided be conducted in accordance with the provisions of sections 506 to 522 [1] (both inclusive) of the Code of Civil Procedure so far as they are applicable 14 of

Arbitrators to deliver a

53 (1) The arbitrator or arbitrators shall within a period to be fixed by the Deputy Collector which period may be further extended by him deliver to

[1] Printed in General Acts 1882-84 Ed 1898, pp. 41? to 415

the Deputy Collector a full and complete paper of partition, in such form as the Board may, by rule, prescribe Partition paper

(2) If default is made in complying with sub section (1), the Deputy Collector may withdraw the case from arbitration and may make the partition himself

54 (1) The arbitrator or arbitrators, on delivering the paper of partition as aforesaid, shall be entitled to reasonable fees for his or their services Remuneration of arbitrators

(2) The amount of such fees shall be fixed, with the approval of the Commissioner, by the Deputy Collector who made the reference to arbitration, and shall be deemed to form part of the costs of making the partition

55 Every partition made under this Chapter by proprietors or by an arbitrator or arbitrators shall be subject to the approval of the Collector and the confirmation of the Commissioner Approval of Deputy Collector and other authorities

Provided that no such partition shall be disallowed except—

(*a*) on the ground of fraud, or

(*b*) on the ground that the partition cannot be confirmed without endangering the safety of the land revenue

56 When a partition has been made under this Chapter, the land revenue on each separate estate into which the parent estate is divided by such partition shall be assessed by the Collector in the manner prescribed by section 10 Assessment of land revenue

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CHAPTER VIII.

MAKING OF PARTITIONS BY THE DEPUTY COLLECTOR, AND APPROVAL THEREOF BY THE COLLECTOR

57 (1) If no petition is presented under section 51, the Deputy Collector shall, on the day fixed under section 50, or on any subsequent day or days to which the hearing may be postponed by notice posted at his office,— Procedure where no petition presented under section 51

(i) consult all proprietors who are present, and

(ii) hear, and after such inquiry as he may consider necessary, dispose of any objections which they may urge

(2) The Deputy Collector shall then proceed to determine how the lands of the parent estate shall be partitioned into the separate estates, and all matters arising out of such partition , and shall cause to be prepared—

(*a*) a paper of partition, in a form prescribed by rules made by the Board specifying in detail—

(*i*) the lands which he has included in each separate estate, and the area of such lands,

(ii) the rental of such lands, and the other assets, if any, of each separate estate,

(iii) the name or names of the recorded proprietor or proprietors of each separate estate,

(iv) any stipulations which may have been made regarding places of worship, tanks or other matters mentioned in Chapter IX, and

(v) the amount of land revenue to be assessed on each separate estate in the manner prescribed by section 10 and

(b) a map showing the lands which fall within each separate estate and the boundaries of such lands

(3) In making the partition the Deputy Collector shall be guided by the provisions of Chapter IX and shall make the partition in the manner which in his opinion, is on the whole most in accordance with those provisions and most equitable and convenient to all parties concerned

Submission of case to Collector, his duties

58 (1) The partition as made under this Chapter, shall be submitted for the sanction of the Collector, and he shall by notice fix a day for the consideration of the same

(2) Every such notice shall be served on the proprietors and shall be published in the manner prescribed by section 104

(3) The day fixed by the said notice shall be not less than fifteen days after the publication of the notice at the Collector's office

(4) After hearing and disposing of any objection which may be preferred the Collector shall pass such orders as he may think proper—

(a) approving the partition, with or without amendments , or

(b) making a new partition , or

(c) returning the papers to the Deputy Collector for amendment of the partition or for making a new partition, with such directions as to the Collector may seem fit in regard to the issue of a notice to appear to the proprietors or any of them who are specially interested

(5) If the papers are returned to the Deputy Collector, the Collector shall on their re submission proceed again to consider the partition as provided in the foregoing sub sections of this section

Duties of Deputy Collector when partition has been approved by Collector or when Collector makes

59 (1) When the partition has been approved by the Collector, the Deputy Collector shall after making such alterations as may be necessary in the partition paper or map or preparing a new partition paper or map, in accordance with the orders passed by the Collector,

(a) cause to be prepared a separate extract of the portion of the partition paper which relates to each separate estate ,

(b) cause to be tendered to any recorded proprietor of a separate estate

or any authorized agent of such proprietor, who may be in attendance at the Deputy Collector's office, the extract which relates to such separate estate, and a new partition

(c) publish a notification at his office calling upon every proprietor to whom or to whose agent an extract from the partition paper has not been tendered as aforesaid, to take out of the Deputy Collector's office the extract of the portion of the partition paper relating to his separate estate

(2) If the circumstances of the partition so require, an extract of the map prepared by the Deputy Collector, or a copy of such map, shall be annexed to every separate extract from the partition paper mentioned in sub section (1)

(3) The Deputy Collector shall also proceed in the manner hereinbefore provided when the Collector makes a new partition

Proprietor not appearing on fixed day not entitled to make objection.

60 No proprietor who has failed to appear before the Deputy Collector in person or by agent on a day fixed, under section 50 or section 57 for the partition of the lands into the several separate estates, and no proprietor who has failed so to appear before the Collector on a day fixed under section 58, shall, unless he shows sufficient cause for such failure, be entitled at any sub sequent time to make any objection to the orders which may be passed on such days respectively

Submission of the papers to the Commissioner after approval of the partition by the Collector

61 When a partition has been approved by the Collector, or when he has made a new partition, and after the tender of extracts and the publication of a notification as provided in section 59, the Collector—

shall cause a notice to be served on each of the recorded proprietors, stating that the papers will be submitted at once for confirmation of the partition by the Commissioner, and that any appeals or objections must be presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days from the date of the service of the said notice ,

and shall, after the issue of such notice, forward to the Commissioner all papers relating to the partition

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CHAPTER IX

GENERAL PRINCIPLES FOR MAKING PARTITIONS

Lands held in common tenancy

Separate estates to be made compact.

62 Each separate estate shall be made as compact as is compatible with the primary object of making an equitable partition among the proprietors and with the provisions of this Chapter

Circumstances to be

63. In selecting the villages or land to be assigned to each separate estate formed out of a parent estate which has been held in common tenancy, the

considered in making partitions

Collector shall take into consideration the advantages or disadvantages arising from—

(*a*) situation,

(*b*) the vicinity of roads, railways or navigable rivers or canals;

(*c*) the nature and quality of the soil and produce,

(*d*) the quantity of cultivable and uncultivable waste land,

(*e*) the facilities for irrigation,

(*f*) the state of embankments and water courses, and

(*g*) liability to accretion and diluvion,

and any other circumstances affecting the value of the land

Rights when dwelling house belonging to one proprietor is situated on land to be allotted to another proprietor

64 (1) If a dwelling house belonging to one proprietor is situated on any land which it may be necessary to include in the separate estate of another proprietor, the owner of the house may retain occupation thereof, with the buildings and grounds immediately attached thereto upon agreeing to pay rent annually in perpetuity for the land occupied by the house, buildings and grounds to the proprietor of the separate estate in which such land is included

(2) The limits of the land so occupied and the rent to be paid for it shall be fixed by the Deputy Collector, and shall be stated in the paper of partition

(3) In every such case a defined pathway shall, as far as possible be secured to the owner of the house, leading from the house to some portion of the separate estate allotted to him

Power to apply section 64 to gardens etc

65 Whenever the Deputy Collector thinks fit, he may apply the provisions of section 64 to gardens, orchards, land planted with bamboos and any other land which in his opinion is of special value to the proprietor in whose occupation it is found to be, in consequence of improvements made by such proprietor or of the particular use to which such land is put

Rent for land fixed under section 64 or 65 deemed to be the assets of the land

66. The rent fixed in perpetuity on any land by the Deputy Collector under section 64 or section 65 shall be deemed, for the purposes of the partition to be the assets of such land

Redemption of rent fixed under section 64

67 When the dwelling house of one proprietor, with the buildings and grounds immediately attached thereto, has been included in the separate estate of another proprietor, and the rent to be paid in perpetuity for the land occupied thereby has been fixed by the Deputy Collector and stated in the paper of partition,

the first mentioned proprietor may apply to the Deputy Collector for permission to redeem the rent so fixed, and the Deputy Collector shall give such permission unless he is of opinion that the redemption would endanger the safety of the land revenue for the payment of which the separate estate in which such dwelling house, buildings and grounds have been included will be liable

Amount payable in redemption of rent

68 (1) If the Deputy Collector gives permission as aforesaid, he shall certify the amount payable by the applicant in redemption of the rent

(2) Such amount shall be ten *per centum* above the sum which would be required to produce, in interest at four *per centum per annum* an annual sum equal to the said rent

Such amount when payable

69 The amount certified under section 68 may be paid to the Deputy Collector at any time before but not after, possession is under section 94 given to the several proprietors of the separate estates allotted to them

Notice of payment to be given and land to be held rent free

70 On receipt of such payment, the Deputy Collector shall give notice to the proprietor in whose separate estate the land is situated—

(*a*) that such payment has been made ,

(*b*) that the sum will be paid to him or to his authorized agent on application, and

(*c*) that, from the date on which possession as aforesaid is given, the proprietor who has redeemed the rent of such land will be entitled to hold the land as a rent free tenure secured against the proprietor to whom the notice is given and against any auction purchaser at a sale for arrears of revenue including the Government ,

and from such date the land shall be so held as a rent free tenure

Collector to register the rent free tenure.

71 The Deputy Collector shall at the same time give notice to the Collector of the district of the creation of such tenure and the Collector shall thereupon cause such tenure to be specially registered in the manner provided by section 42 of Act 11 of 1859 [1] (*an Act to improve the law relating to sales of land for arrears of revenue in the Lower Provinces under the Bengal Presidency*) or by any similar law for the time being in force

Drawing of lots for equal shares.

72 When two or more of the separate estates consist of the same proportions of the parent estate, the Deputy Collector may, if he thinks proper direct the parties entitled thereto respectively to draw lots in his presence for the equal separate estates which have been formed by assignment of land

unless the recorded proprietors of the equal shares agree among themselves as to the allotment of the equal separate estates and present a petition to that effect, or

unless for any other reason the Deputy Collector, with the sanction of the Collector, thinks proper to assign the equal separate estates to the proprietors of the equal shares without causing lots to be drawn

Order and method of drawing lots when aggregate of two or more

73 (1) When the aggregate of two or more shares equals one other share, or equals the aggregate of two or more other shares, the Deputy Collector, with the sanction of the Collector, may cause such aggregate shares to be treated as one share for the purpose of determining by lots as aforesaid which

[1] The Bengal Land revenue Sales Act 1859 S 42 is printed in Vol I p 333

shares equals one other share, or equals the aggregate of two or more other shares

portion of the parent estate shall be assigned to each proprietor as his separate estate;

and may decide which shares shall be formed into one aggregate share for the purpose of causing such lots to be drawn;

and may cause lots to be drawn in like manner as often as he thinks proper for such purpose.

(2) After lots have been drawn once (or more than once if necessary) as aforesaid, the Deputy Collector shall proceed to divide the portion of the parent estate which has fallen by lot to each aggregate share, among the proprietors of the different shares which were formed into such aggregate share for the purpose of drawing lots, and shall assign to every such proprietor his separate estate within such portion in such position as the Deputy Collector may think proper.

Illustrations

I.—The partition of a parent estate is being made into the following shares:—

8 annas	3 annas
4 annas	1 anna

For the purposes of drawing lots, the 4 annas, 3 annas and 1 anna shares may be taken together, and considered to be an aggregate 8 annas share.

The Deputy Collector will divide the parent estate into two halves of equal value, and will then cause lots to be drawn in order to determine which of the two halves shall be assigned to the proprietor of the integral 8 annas share, and which shall be divided among the proprietors of the 4 annas, 3 annas and 1 anna shares.

Subsequently, if necessary, the Deputy Collector may again cause lots to be drawn by the proprietor of the 4 annas share on the one hand and the proprietors on the other hand of the aggregate share made up by taking together the 3 annas share and the 1 anna share.

II.—The partition is being made of a parent estate into the following shares:—

6 annas	3 annas
4 annas	2 annas

1 anna

Two tracts in the estate may first be marked off, the value of each being equivalent to a 6 annas share, and then, for the purpose of drawing lots in respect of the assignment of these two tracts, the 4 annas share and the 2 annas share may be taken together as an aggregate 6 annas share, and lots may be drawn between the proprietor of the aggregate 6 annas share so formed on the one hand, and the proprietor of the integral 6 annas share on the other.

One of the two 6 annas tracts having thus been finally assigned to the proprietor of the integral 6 annas share, the Deputy Collector will proceed to assign the rest of the estate among the remaining sharers, and he may again, for the purpose of causing lots to be drawn, mark off two tracts, the value of each of which shall be equivalent to 5 annas of the parent estate, and may cause lots to be drawn for these two tracts between the proprietors of the 4 annas share and the 1 anna share taken together as an aggregate 5 annas

share on the one hand and the proprietors of the 3 annas share and the 2 annas share taken together as another 5 annas share on the other

Finally, their separate estates will be assigned to the proprietor of the 4 annas share and of the 1 anna share respectively within the tract which fell to them jointly by lot, and their separate estates will be assigned to the proprietors of the 3 annas share and of the 2 annas share respectively within the tracts which fell to them jointly by lot

74 The Deputy Collector may, by notice, require any proprietor, in respect of whose share lots are to be drawn as provided in section 72 or section 73, to attend at the office of the Deputy Collector in person or by authorized agent, at a time to be fixed by the Deputy Collector for the purpose of drawing lots

Deputy Collector may require proprietors to attend or appoint agent for the purpose of drawing lots

and may similarly require the proprietors of any shares which he may have ordered to be formed into an aggregate share for the purpose of drawing lots, jointly to appoint an agent to draw lots on their joint behalf, and if at the time fixed for drawing such lots, such proprietors have failed to agree to any such joint appointment, or fail to cause the attendance of an agent authorized to act jointly for all such proprietors, all such proprietors shall be deemed to have failed to comply with the Deputy Collector's requisition

75 If any proprietor or proprietors fail to comply with a requisition of the Deputy Collector under section 74, the Deputy Collector may appoint a person to draw lots on behalf of such proprietor or proprietors

In default Deputy Collector may appoint a person to draw lots

Lands held in severalty.

76 (1) When the lands of an estate have been divided by private arrangement formally made and agreed to by all the proprietors and each proprietor is, in pursuance of such arrangement in possession of separate lands held in severalty as representing his interest in the estate, the joint application presented under section 7 may be to the effect—

Partition according to separate possession and apportionment of land revenue

(*a*) that a partition of the estate be made by assigning to each proprietor or to two or more proprietors jointly, as his or their separate estate or estates, the lands of which they are in separate possession in pursuance of such arrangement, and

(*b*) that each separate estate so formed be made liable for such portion of the entire land revenue of the parent estate as was paid by the proprietor or proprietors thereof under the private arrangement aforesaid

(2) The Deputy Collector who is appointed to carry out the partition in accordance with such application shall satisfy himself that the assets of each separate estate which it is proposed to form will be sufficient to secure the payment of the annual amount of land revenue for which it is proposed to make such separate estate liable

(3) If the Deputy Collector is not satisfied that the assets of each such separate estate will be sufficient as aforesaid or that, with reference to the circumstances of the case, the partition of the land and the assessment of the land revenue thereon may be made in the manner proposed without endangering the safety of the land revenue, he shall reject the application, unless all the recorded proprietors agree that the land revenue for which the parent estate is liable shall be apportioned among the separate estates so to be formed in such a manner that the safety of the total amount of the land revenue shall not be endangered

Lands of which each proprietor is in possession to be allotted to him

77 Whenever the Deputy Collector who is appointed to carry out a partition finds that in pursuance of a private arrangement formally made and agreed to by all the proprietors of an estate, the proprietors respectively, or any of the proprietors are in possession of separate parcels of land held in severalty as representing portions only of their respective interests in the parent estate while other land of the parent estate is held in common tenancy between such proprietors then notwithstanding anything contained in section 7, a joint application shall not be required and the Deputy Collector shall allot to the separate estate of each proprietor the land of which such proprietor is found to be in possession in severalty in accordance with such private arrangement

Explanation —Land held in the occupation of the several proprietors of an estate as sir, khamar or nij jote, or under any other similar denomination shall not be deemed to be land held in severalty as representing portions of their respective interests in the parent estate within the meaning of this section, which applies only to cases in which there has been a *bona fide* division by private arrangement among the proprietors of land held by tenants

Collector may cause transfer of lands agreed to by parties

78 Notwithstanding anything in section 77, the Collector may cause any transfer of land agreed to by the parties to be made from the possession of one proprietor to that of another

Lands held in common tenancy and Lands held in severalty

Places of worship etc

79 Places of worship, burning grounds and burial grounds which have been held in common previous to the partition of an estate, and land of which the proceeds have been assigned by the proprietors jointly for religious, charitable or public purposes, shall continue to be held in common unless the proprietors otherwise agree among themselves, in which case they shall state in writing the agreement into which they have entered, and the Deputy Collector shall enter a note of the agreement in the paper of partition

Tanks, wells water courses reservoirs and embankments

80 (1) Tanks, wells, water courses, reservoirs and embankments shall be deemed to be attached to the land for the benefit of which they were originally made

(2) In cases in which, from the extent, situation or construction of any such works, it is found necessary that they should remain the joint property

of the proprietors of two or more separate estates, the paper of partition shall specify, as far as the circumstances admit, the extent to which the proprietors of each of such estates may make use of the same, and the proportion of the charges for repairs to be borne by them respectively

Splitting up of tenure or holding and apportionment of rent thereof

81 (1) No tenure or holding shall be split up for the purposes of a partition unless it is reasonably necessary to do so in order to effect an equitable partition

(2) If a tenure or holding be split up as aforesaid, the total existing rent thereof, as ascertained under Chapter VI, shall not be altered, but shall be apportioned among the several parts into which the tenure or holding is divided

(3) When it is proposed to split up a tenure or holding and apportion the rent thereof as aforesaid, the Deputy Collector shall cause a notice to be served on the tenants concerned and after hearing their objections, if any, may order that the tenure or holding be split up, and that the rent thereof be apportioned as aforesaid

(4) The Deputy Collector shall notify such apportionment to the tenants concerned

Land held rent free not to be divided except with consent of recorded proprietors

82 When the Deputy Collector finds in a parent estate land which is claimed to be held rent free and for which no rent is actually paid (whether the proprietors of the estate do or do not claim a right to receive rent from the land) he shall not make any division or assignment of such land among the separate estates but shall specify in the partition papers and proceedings that such land is left appertaining jointly to all the separate estates which are formed out of the parent estate in the proportion which each separate estate bears to the parent estate

Provided that such land or any of it may be allotted among the different separate estates with the consent of all the proprietors of the parent estate

Land held at fixed rent on permanent intermediate tenure

83 (1) When the Deputy Collector finds in a parent estate any land which is held at a fixed rent on a patni or other permanent intermediate tenure created by all the proprietors of the estate or admitted by all the recorded proprietors to have been so created, he may either—

(*a*) assign such land and the assets thereof entirely to one or more of the separate estates formed out of the parent estate, or

(*b*) leave such land unassigned to any separate estate, and specify in the partition paper and proceedings that the land is left appertaining jointly to all the separate estates which are formed out of the parent estate in the proportion which each separate estate bears to the parent estate.

(2) In the event of such land being so left unassigned, the Deputy Collector shall assign to each separate estate such share of the rent of the tenure as bears the same proportion to the entire rent of the tenure as the separate estate bears to the parent estate

(3) If the Deputy Collector is not satisfied that the assets of each such separate estate will be sufficient as aforesaid, or that, with reference to the circumstances of the case, the partition of the land and the assessment of the land revenue thereon may be made in the manner proposed without endangering the safety of the land revenue, he shall reject the application, unless all the recorded proprietors agree that the land revenue for which the parent estate is liable shall be apportioned among the separate estates so to be formed in such a manner that the safety of the total amount of the land revenue shall not be endangered

Lands of which each proprietor is in possession to be allotted to him

77 Whenever the Deputy Collector who is appointed to carry out a partition finds that, in pursuance of a private arrangement formally made and agreed to by all the proprietors of an estate, the proprietors respectively, or any of the proprietors, are in possession of separate parcels of land held in severalty as representing portions only of their respective interests in the parent estate, while other land of the parent estate is held in common tenancy between such proprietors, then, notwithstanding anything contained in section 7, a joint application shall not be required, and the Deputy Collector shall allot to the separate estate of each proprietor the land of which such proprietor is found to be in possession in severalty in accordance with such private arrangement

Explanation —Land held in the occupation of the several proprietors of an estate as sir, khamar or nij-jote, or under any other similar denomination shall not be deemed to be land held in severalty as representing portions of their respective interests in the parent estate within the meaning of this section, which applies only to cases in which there has been a *bonâ fide* division by private arrangement among the proprietors of land held by tenants

Collector may cause transfer of lands agreed to by parties

78. Notwithstanding anything in section 77, the Collector may cause any transfer of land agreed to by the parties to be made from the possession of one proprietor to that of another

Lands held in common tenancy and Lands held in severalty

Places of worship, etc

79 Places of worship, burning-grounds and burial grounds which have been held in common previous to the partition of an estate, and land of which the proceeds have been assigned by the proprietors jointly for religious, charitable or public purposes, shall continue to be held in common unless the proprietors otherwise agree among themselves, in which case they shall state in writing the agreement into which they have entered, and the Deputy Collector shall enter a note of the agreement in the paper of partition

Tanks wells, water courses, reservoirs and embankments

80 (1) Tanks, wells, water courses, reservoirs and embankments shall be deemed to be attached to the land for the benefit of which they were originally made

(2) In cases in which, from the extent, situation or construction of any such works, it is found necessary that they should remain the joint property

of the proprietors of two or more separate estates, the paper of partition shall specify, as far as the circumstances admit, the extent to which the proprietors of each of such estates may make use of the same, and the proportion of the charges for repairs to be borne by them respectively.

Splitting up of tenure or holding and apportionment of rent thereof.

81. (1) No tenure or holding shall be split up for the purposes of a partition unless it is reasonably necessary to do so in order to effect an equitable partition.

(2) If a tenure or holding be split up as aforesaid, the total existing rent thereof, as ascertained under Chapter VI, shall not be altered, but shall be apportioned among the several parts into which the tenure or holding is divided.

(3) When it is proposed to split up a tenure or holding and apportion the rent thereof as aforesaid, the Deputy Collector shall cause a notice to be served on the tenants concerned and, after hearing their objections, if any, may order that the tenure or holding be split up and that the rent thereof be apportioned as aforesaid.

(4) The Deputy Collector shall notify such apportionment to the tenants concerned.

Land held rent free not to be divided except with consent of recorded proprietors.

82. When the Deputy Collector finds in a parent estate land which is claimed to be held rent free and for which no rent is actually paid (whether the proprietors of the estate do or do not claim a right to receive rent from the land), he shall not make any division or assignment of such land among the separate estates, but shall specify in the partition papers and proceedings that such land is left appertaining jointly to all the separate estates which are formed out of the parent estate in the proportion which each separate estate bears to the parent estate:

Provided that such land or any of it may be allotted among the different separate estates with the consent of all the proprietors of the parent estate.

Land held at fixed rent on permanent intermediate tenure.

83. (1) When the Deputy Collector finds in a parent estate any land which is held at a fixed rent on a patni or other permanent intermediate tenure created by all the proprietors of the estate or admitted by all the recorded proprietors to have been so created, he may either—

(*a*) assign such land and the assets thereof entirely to one or more of the separate estates formed out of the parent estate ; or

(*b*) leave such land unassigned to any separate estate, and specify in the partition paper and proceedings that the land is left appertaining jointly to all the separate estates which are formed out of the parent estate in the proportion which each separate estate bears to the parent estate.

(2) In the event of such land being so left unassigned, the Deputy Collector shall assign to each separate estate such share of the rent of the tenure as bears the same proportion to the entire rent of the tenure as the separate estate bears to the parent estate.

(3) In dealing with a tenure under this section, the Deputy Collector shall take into consideration the extent of the land comprised in the tenure and all other circumstances of the case

Land held in common between the proprietors of two or more estates how to be dealt with when one estate is under partition

84 When any land is held in common between the proprietors of two or more estates one of which is under partition in accordance with the provisions of this Act the Deputy Collector shall first allot to the estate under partition a portion of such common land of which the assets are in proportion to the interest which the proprietors of such estate hold in the said common land,

and all the provisions of this Act in respect of the allotment between the shareholders in one estate of land which is held jointly by such shareholders, shall as far as possible apply to the allotment of the proportionate share of such common land to the estate under partition,

and in respect of the service of notices the hearing of objections, and all other procedure in view to such allotment the proprietors of the estate under partition and all other proprietors of estates who have an interest in the said common land shall be deemed to be joint proprietors of a parent estate consisting only of the land so held in common

Provided that all costs of any division of lands so held in common between the proprietors of two or more estates shall be deemed to be costs of making the partition of the estate which is under partition, and shall be leviable, as provided by this Act from the proprietors of such estate, and the proprietors of any other estate having an interest in such lands shall not be required to bear any portion of such costs

When proprietors of other estates may be required to pay a portion of the costs of making a division under section 84

85 Notwithstanding anything contained in section 84, if it appears to the Collector that the proceedings for any such division have been unnecessarily delayed and the cost of such division enhanced, by obstacles vexatiously put in the way of the completion of such division by any proprietor of any estate other than that under partition, or by want of due diligence on the part of any such proprietor in carrying out any requisition made upon him

the Collector may direct that such sum as he shall think fit shall be levied from every such proprietor who is responsible for such delay or additional cost,

and every sum so levied shall be taken in diminution of the amount payable by the proprietors of the estate under partition as costs of such partition.

Allotment made under section 84 to be submitted to the Collector

86 Every allotment made under section 84 shall be submitted for the approval of the Collector who may confirm amend or reject the same, and if he rejects it, may make or direct to be made another allotment

Land so allotted how to be dealt with

87 When any allotment made under section 84 has been approved by the Collector, the land so allotted shall be dealt with in every respect as if it were held in common tenancy by such of the proprietors of the estate under partition as were found to hold interests in the common land

(*Chapter IX.—General Principles for making Partition*[illegible])

88. (1) If a dispute or doubt is found to exist [illegible] forms part of a parent estate, the Deputy Collector [illegible] the parties interested, inquire into the fact of [illegible] conclusions to the Collector, and thereupon the Collector [illegible] matter as follows:—

(*a*) he may order that the partition case be struck [illegible] order appears to him advisable, and whether the [illegible] is with the proprietors of the parent estate or otherwise [illegible]

(*b*) he may order that the partition shall proceed [illegible] land be treated as part of the estate under partition [illegible] land is with the proprietors of the parent estate and [illegible] parties to the right in such land appears to him unfounded [illegible]

(*c*) he may order that the partition shall proceed [illegible] land shall not be treated as part of the estate under partition [illegible] of such land is with the other parties and the claim of the [illegible] parent estate to the right in such land appears to him [illegible]

Provided as follows:—

(*i*) if a claim to land alleged to be in dispute [illegible] Collector proceeds under section 57 to determine [illegible] the parent estate shall be partitioned into the [illegible] claim shall not be inquired into under this section [illegible] on the part of the claimant is explained to the [illegible] Deputy Collector;

(*ii*) no partition shall be made in any case [illegible] such partition would involve the assignment [illegible] of such a quantity of the disputed land that [illegible] land from such estate at any subsequent time [illegible] of the Collector, endanger the safety of the [illegible] such estate would be liable after the partition [illegible]

(2) If a partition case is struck off the file under [illegible]

[illegible] plication is admitted, the proceedings shall be revived [illegible] they were interrupted.

89. If, after a partition has been completed in [illegible] by the Collector under section 88, clause (*b*), the [illegible] estate is dispossessed by a decree of a Court of com[illegible] land which has been assigned to his estate by the part[illegible]

the partition shall not be disturbed, but such pro[illegible] recover from the proprietors of the other separate [illegible] tion such compensation as may be fair and equit[illegible]

tate dispossessed of any land by decree

reduction in the proportionate value of his separate estate which is caused by such dispossession,

and such compensation may be recovered in a Court of competent jurisdiction from the proprietors of those separate estates on which a proportionate share of the total loss caused by the dispossession does not fall.

CHAPTER X.

PROCEDURE BEFORE THE COMMISSIONER UP TO THE COMPLETION OF A PARTITION.

Procedure if proceedings require amendment or if appeal or objection presented.

90. (1) If it appears to the Commissioner that the proceedings of the Collector should be amended or if an appeal or objection is presented within the time allowed by section 61, the Commissioner shall, by order, fix a day (not being less than thirty days from the date of such order) for hearing and disposing of the case, and shall cause notice of such day to be served through the Collector on all the parties.

(2) On the day so fixed, or on any subsequent day to which the hearing of the case may extend or is postponed by a notice posted up in his own office the Commissioner shall, after hearing and disposing of all appeals and objections and calling for any further information which he may consider necessary, either confirm the partition as approved or made by the Collector, with or without amendments, or return the papers of the partition to the Collector for any amendments which the Commissioner may think proper to be made.

(3) If the papers are returned to the Collector for amendment, the Collector shall proceed to make the required amendments or to cause them to be made in the same manner as if he had himself passed such orders on a partition submitted to him for approval by a Deputy Collector, and shall thereafter return the papers to the Commissioner, who may then confirm the partition.

Procedure in other cases.

91. If it does not appear to the Commissioner that the proceedings of the Collector require amendment, or if no appeal or objection is presented within the time allowed by section 61, the Commissioner may proceed to consider the case without issuing any notice, and may confirm the partition as approved or made by the Collector.

Commissioner may return the papers for amendment or inquiry as often as he thinks fit.

92. The Commissioner may, before confirming a partition, return the papers for amendment or inquiry as often as he thinks fit, and as often as he so returns them the procedure prescribed in the foregoing sections of this Chapter shall be applicable.

Procedure by Collector on

93. (1) After the expiration of not less than sixty days from the date of the order of the Commissioner confirming a partition,

or if an appeal has been preferred to the Board, or if any proceedings in respect of the partition be pending before the Board, then on receipt of the final order of the Board, if such order does not set aside but maintains, with or without amendments, the partition as confirmed by the Commissioner, the Collector shall cause to be published at his office, and at some conspicuous place in each of the estates separately constituted by the order of the Commissioner or the Board, as the case may be, a notice that the partition has been confirmed or sanctioned by the Commissioner or the Board, with or without amendments, as the case may be

Receipt of Commissioner's order confirming or Board's order sanctioning a partition.

(2) If the partition as so confirmed or sanctioned involves any amendments which may conveniently be made on any extracts of the partition paper or on any maps which have been prepared and delivered to recorded proprietors under section 59, the Collector shall cause a notice to be served on every recorded proprietor whose estate is affected by such amendments, requiring him to produce such extracts and maps in order that such amendments may be noted on them,

and, if the alterations made in the partition as so confirmed or sanctioned be such as to make it desirable to prepare fresh extracts or maps as aforesaid, the Collector shall cause such fresh extracts or maps to be prepared, and shall cause a notice to be served on each proprietor declaring the extract and map which was delivered under section 59 to be cancelled, and requiring him to take out of the Collector's office the fresh extract or map which has been prepared

94 (1) *The Collector shall then proceed to give the several proprietors* possession of the separate estates allotted to them and if necessary may require the assistance of the Magistrate in giving such possession

Procedure as to giving possession of separate estates

and shall cause to be served on every recorded proprietor of a separate estate a notice—

(*a*) informing him that from the date specified in such notice the separate estate assigned to him *as described in the extract from the* partition paper prepared and delivered or tendered to him under section 59 or section 93 as the case may be, will be deemed to be separated from the parent estate and to be separately liable for the amount of land revenue specified in the notice and

(*b*) calling upon him to enter into a separate engagement for the payment of such land revenue

(2) The date specified in such notice shall be not more than three months after the proprietors have been given possession of their respective separate estates as provided in sub section (1)

95 From the date specified in such notice, each separate estate shall be borne on the revenue roll and General Register of the Collector as a distinct

Each separate estate to be

borne on the revenue roll and General Register as separately liable for the land revenue assessed upon it.

estate separately liable for the amount of land revenue assessed upon it under this Act, and shall be so liable whether or not the proprietor has entered into a separate engagement for the payment of the amount of land revenue so assessed upon the estate.

Boundary marks.

96. (1) The Collector may direct the erection of such boundary marks as he thinks proper, to distinguish the lands of each separate estate; and the cost of such boundary marks shall be deemed to be costs of the partition.

(2) Boundary marks so erected shall be assigned to zamindars, or to zamindars jointly with tenure-holders, for preservation, as provided in the third clause of section 29 of the Bengal Survey Act, 1875; [1] and, after they have been so assigned, the provisions of sections 19, 20 and 52 to 57 (both inclusive) of the said Act shall apply in the case of such boundary marks. Ben. 1875.

CHAPTER XI.

MISCELLANEOUS.

Powers of Deputy Collector as to production of documents and attendance of witnesses.

97. For the purposes of any inquiry under this Act, the Deputy Collector shall, in addition to the powers specifically conferred upon him by this Act, have the powers conferred by Chapters X and XIV of the Code of Civil Procedure [2] for compelling the production of documents and enforcing the attendance of witnesses. 14 of 1

General power to refer to arbitration.

98. The Deputy Collector, with the consent of all the parties concerned, may refer to arbitration [3] any point arising in the course of a partition; and the provisions of sections 52, 53 and 54 shall, as far as possible, be applicable to such references.

Saving of tenures, leases and incumbrances.

99. If any proprietor of an estate held in common tenancy and brought under partition in accordance with this Act has given his share or a portion thereof in patni or other tenure or on lease, or has created any other incumbrance thereon, such tenure, lease or incumbrance shall hold good as regards the lands finally allotted to the share of such proprietor, and only as to such lands.

Illustrations.

I.—A, the proprietor of a quarter share in a joint undivided estate held in common tenancy, gives to B a patni tenure of the whole of his interest in the estate entitling

[1] Printed in Vol. II, p. 141.
[2] Printed in General Acts, 1882-1884, Ed. 1898, p. 262.
[3] As to arbitration, see the Indian Arbitration Act, 1899 (9 of 1899), in General Acts, 1899-1903, Ed. 1904, p. 89.

B, as long as such estate is held in common tenancy, to collect one fourth of the rent payable by every raiyat on the estate, and

partition of the said estate is made unde this Act, and certain specific lands are assigned to A as his separate estate

B will become patnidar of the entire separate estate which has been assigned to A, and will be entitled to collect the whole of the rents from the raiyats on that estate

II —A, proprietor of a quarter share in a joint undivided estate held in common tenancy, gives to B a patni tenure of one half of his share in the estate, entitling B, as long as such estate is held in common tenancy, to collect one eighth of the rent payable by every raiyat on the estate, and

partition of the estate is made under this Act, and certain specific lands are assigned to A as his separate estate

B will become patnidar of one half of A s separate estate and will hold his patni in common tenancy with the half of A s interest which A has not given in patni, so that B will be entitled to collect one half of the rent payable by every raiyat on A's estate, and A will be entitled to collect the other half

100 (1) If two or more estates come into the possession of one proprietor or of the same body of proprietors, such proprietor or body of proprietors may, after being recorded as proprietors, apply to have the estates united and to hold them as a single estate Uniting of estates

(2) Every such application shall be made in writing to the Collector, and the Collector shall, if he sees no objection to doing so, comply with it not less than thirty days after the publication of a notification thereof, and shall then cause the necessary entries to be made in the record of his office and report the case to the Commissioner

101 If any separate estate created under this Act falls into arrear so as to necessitate a sale of the land for the discharge of the arrear at any time within six years from the date of the confirmation or sanction of the partition by the Commissioner or the Board as the case may be If separate estate falls into arrear Collector to inquire into causes and report to Commissioner

the Collector shall, if possible, ascertain the cause of the estate having fallen into arrear, and shall inquire whether the same is due to any fraudulent or erroneous allotment of the assessment or assignment of lands at the time of the partition, and shall make a report upon the case to the Commissioner for such action as the Commissioner may think proper

102 If it is proved to the satisfaction of the Lieutenant Governor [1] at any time within six years from the date of the confirmation or sanction of a partition by the Commissioner or the Board, as the case may be, whether or not upon inquiry made under section 101 that through any fraud or error at the time of making the partition the assets of the lands assigned to any separate estate were not in proportion to the amount of land revenue for which such estate was made liable, or that the amount of land revenue assessed on any

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch. D Pt. I cl. I in Vol. I pp.623 624

separate estate was not in proportion to the assets of the lands assigned to such estate

the Lieutenant Governor [1] may order a new allotment of the land revenue upon the separate estates in accordance with the principles prescribed in this Act on an estimate of the assets of each such estate as they stood at the time of the partition such estimate being made on such evidence and information as may be procurable

Power to require proprietors of under assessed estates to make refund to proprietors of over assessed estates.

103 (1) Whenever the Lieutenant Governor [1] passes an order under section 102 for the re allotment of the land revenue on any separate estate, he may direct that the proprietors whose estates are found to have been under assessed shall, for each year during which they have held possession of the separate estates be required to pay to the recorded proprietors of the estates which have been over assessed a sum equal to the annual amount in which the latter are found to have been over assessed, and in default of payment such sum shall be recoverable as provided in section 108

(2) No order passed by the Lieutenant Governor [1] under sub section (1) shall be liable to be contested in any Court

Publication of notifications

104 Every notification required by this Act to be published shall unless it is otherwise specially directed, be published by posting up copies of the same—

(*a*) at the office of the Collector

(*b*) at the office of the Deputy Collector who is to make is making or has made the partition,

(*c*) at the village office or village offices if any, of the proprietors of the parent estate and

(*d*) in one or more of the principal villages in the said estate

Service of notices.

105 (1) Any notice required by this Act to be served on any person may be served—

(*a*) by delivering the notice to the person to whom it is directed or on failure to effect such delivery by posting it on some conspicuous part of the house in which the said person usually resides, or

(*b*) by sending a registered letter containing the notice to such person directed to the address if any which he has registered under this Act, or

(*c*) by delivering the notice to a general agent of the person to whom it is directed, or to any person who has been appointed in that behalf, or who has been appointed an agent of the person to whom the notice is directed for the general purposes of any partition under this Act, or

(*d*) by affixing a copy of the notice at the village office of the person to whom the notice is directed,

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[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl I in Vol I pp 623 624

or, if no such village office be found, and if the notice cannot be served in any of the other modes mentioned in this section, by affixing a copy of the notice on some conspicuous place on the estate to which the notice relates

(2) Where two or more persons are joint applicants for the separation of an estate to be held by them jointly as a separate estate, the service of a notice in any of the modes mentioned in sub section (1) on any one of such joint applicants shall be deemed to be good and sufficient service on both or all of them

Mistakes and irregularities not to vitiate proceedings.

106 If the directions of this Act are in substance and effect complied with, no proceedings thereunder shall be affected—

(*a*) by reason of any mistake or informality unless any person has suffered, or is in danger of suffering material injury in consequence of such mistake or informality, or

(*b*) by reason of the omission to publish any notification required by this Act or to serve any notice on any person whose name is not recorded on the Collector's registers as proprietor of the estate in respect of which the notice is required by this Act to be served

Fine in case of non-compliance with requisition

107 If any proprietor or other person fails to comply within the time fixed therefor by notice, with any requisition made upon him under this Act by the Collector or Deputy Collector the Collector or Deputy Collector, as the case may be, may impose upon him such daily fine as he may think fit, not exceeding fifty rupees,

and such fine shall be payable daily until the requisition is complied with,

and the Collector or Deputy Collector, as the case may be, may proceed from time to time to levy the amount which has become due in respect of any such fine

Provided that, whenever the amount payable exceeds five hundred rupees, the Collector shall report the case specially to the Commissioner, and no further levy in respect of the fine shall be made otherwise than by the authority of the Commissioner

Fees, etc, to be recoverable as public demands

108 Except as herein otherwise expressly provided, all fees, fines, costs and other sums ordered under this Act to be paid by any person shall be deemed to be public demands, and shall be recoverable under the Public Demands Recovery Act, 1895 [1]

Powers and functions of Deputy Collector may be exercised by Collector

109 All or any powers and functions which are assigned by this Act to a Deputy Collector may be exercised and discharged by the Collector,

and whenever it is provided by this Act that any Act done or order made by a Deputy Collector shall require the sanction of the Collector, or shall be appealable to the Collector then if such act has been done, or such order has been made, by the Collector, it shall be deemed to have been sanctioned by

[1] Printed *ante* p. 302

the Collector or to have been confirmed b} the Collector ın appeal as the case ma} be

Power to vest Collector or Deputy Collector with settlement powers

110 (1) The Lieutenant Governor [1] ma} vest an} Collector or Deputy Collector with all or an} of the powers which under the provisions of any law for the time being in force might be exercised by them respectively, or might be conferred on them respectively if the} were making a settlement of a parent estate

(2) Such powers may be conferred either generally in respect of all estates in the partition of which the Collector or Deputy Collector may at any time and in any district be engaged or specially in respect of any particular estate

Appeals to the Collector and admission by him of objection

111 (1) An appeal if presented within one month from the date of the order appealed against shall lie to the Collector against every order of a Deputy Collector—

(*a*) directing under section 39 by whom or how the costs of an inquiry held in consequence of an objection raised shall be paid

(*b*) made under section 47 sub section (3) declaring what entry in a record of existing rents and other assets of land shall be accepted for the pur poses of the partition

(*c*) made under section 50 adopting a record of existing rents and other assets of land

(*d*) refusing under section 51 to allow recorded proprietors to make a partition privately among themselves or by arbitration

(*e*) rejecting under section 76 sub section (3) an application for partition according to separate possession

(*f*) directing under section 81 sub section (3) that a tenure or holding be split up and that the rent thereof be apportioned or

(*g*) imposing a fine under section 107

(2) Objections to any other orders passed by the Deputy Collector shall only be admitted by the Collector if made when he proceeds to consider a partition under section 58

Appeals to the Commissioner and admission by him of objections

112 (1) An appeal if presented to the Commissioner or to the Collector for transmission to the Commissioner within one month from the date of the order appealed against shall lie to the Commissioner against every order of a Collector (whether such order be passed by the Collector in the first instance or in appeal from the order of a Deputy Collector)—

(*a*) rejecting an application for the partition of an estate or for the sepa ration of a share or putting an end to proceedings for effecting a partition or separation after the application has been admitted

(*b*) directing under section 29 that an application for partition or sepa ration be admitted

[1 Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt. I cl I in Vol I pp 693 694

(*c*) directing, under section 38, that any proprietor shall pay more than his proportionate share of the cost of a partition,

(*d*) made under section 50, adopting a record of existing rents and other assets of land,

(*e*) refusing, under section 55, to approve a partition made by proprietors or by an arbitrator or arbitrators,

(*f*) refusing to allow a partition to be made under section 76 in accordance with separate possession,

(*g*) directing, under section 85 that any sum exceeding five hundred rupees shall be levied from the proprietor of an estate not under partition,

(*h*) confirming, amending or rejecting under section 86, an allotment made under section 84,

(*i*) made under section 88 when a dispute or doubt exists as to whether any land forms part of a parent estate,

(*j*) imposing or confirming the imposition of a fine under section 107, or

(*k*) imposing any fine amounting to more than fifty rupees, or directing the payment of any costs amounting to more than fifty rupees

(2) Objections to any other orders passed by the Collector shall only be admitted by the Commissioner if made when he proceeds to consider a partition under section 90 or section 91

113 An appeal, if presented to the Board, or to the Commissioner for transmission to the Board, within six weeks from the date of the order appealed against, shall lie to the Board against every order of the Commissioner— Appeals to the Board

(*a*) confirming, modifying or reversing any order of the Collector rejecting an application for the partition of an estate, or putting an end to proceedings for affecting a partition after the application has been admitted,

(*b*) confirming, modifying or reversing any order of the Collector directing, under section 29, that an application for partition be admitted,

(*c*) confirming or amending a partition as approved or made by the Collector, or

(*d*) imposing, or confirming the imposition of, any fine amounting to five hundred rupees, or ordering, or confirming an order directing the payment of any costs amounting to more than five hundred rupees

114 (1) Except in the cases mentioned in section 113, when an order of a Collector, whether passed by him in the first instance or in appeal from the order of a Deputy Collector, is upheld by the Commissioner no further appeal shall lie, but the Board, acting either on the application of the party aggrieved or of their own motion, may call for the record of the case and pass such order as they think fit Limitation of appeals, revision by Board, further appeal to Board.

(2) When an order of a Collector, whether passed by him in the first instance or in appeal from the order of a Deputy Collector, is modified or

reversed by the Commissioner, a further appeal shall lie to the Board in the following cases only, namely, when the order of the Collector was one—

(*a*) directing, under section 38, that any proprietor shall pay more than his proportionate share of the cost of a partition, when the excess which he is ordered to pay exceeds five hundred rupees ,

(*b*) made under section 50, adopting a record of existing rents and other assets of land ,

(*c*) directing under section 85, that any sum exceeding five hundred rupees shall be levied from the proprietor of an estate not under partition , or

(*d*) confirming, amending or rejecting, under section 86, an allotment made under section 84

Stay of proceedings pending appeal or revision

115 When an appeal is presented under section 111, section 112 or section 113 or when the Board calls under section 114, sub section (1), for the record of a case, the proceedings shall not be stayed pending the appeal or revision unless the appellate or revising authority so directs

Revision of proceedings connected with giving possession

116 (1) Any proceedings of a Deputy Collector, Collector or Commissioner connected with giving possession to the proprietors of their respective separate estates in pursuance of section 94 may be set aside or amended by the Collector, Commissioner or Board as the case may be, provided that the revising authority shall within three months from the date on which such possession has been given, make an order to the effect that such proceedings are under its consideration

(2) Every such order shall, when made by the Commissioner or the Board, be communicated to the Collector of the district, and the Collector shall cause all such orders to be published by notification

Orders as to costs on appeal

117 The Collector, the Commissioner and the Board respectively may pass such orders as they think fit in respect of the payment of the costs of any appeal which is made to them respectively under this Act

Powers of officers exercising jurisdiction under this Act with regard to false evidence or forgery

118 If, in any case in which a Collector or other officer exercises jurisdiction under this Act any person is guilty of the offence of giving or fabricating false evidence or of forgery, as defined in the Indian Penal Code, [1] or of abetting any of those offences such Collector or other officer shall have the same powers in respect of such offence, and of the person charged with committing the same as are vested by the Code of Criminal Procedure, 1882 [2] in a Civil Court when any such offence is committed before or against such Court, or when a document believed to be a forgery is given in evidence in any proceedings in such Court

45 of 1[860]
10 of 1[882]

[1] Printed in General Acts 1834 1867 Ed 1898 p. 240

[2] Act 10 of 1882 has been repealed and re enacted by the Code of Criminal Procedure 1898 (Act 5 of 1898) and this reference must now be taken to be made to the latter Act—*see* s 3 (1) of that Act, in General Acts, 1891 98 Ed 1899 p 382

119. No order—

Certain orders under this Act not liable to be contested or set aside by civil suit.

(*a*) refusing to admit an application for partition, or to carry out a partition, on any of the grounds mentioned in section 11, or

(*b*) made under section 20, section 30, Chapter V, Chapter VII, Chapter VIII, Chapter IX (except section 81), Chapter X, section 107 or section 117,

shall be liable to be contested or set aside by suit in any Court, or by any means other than those expressly provided in this Act:

Provided that—

(*i*) any person claiming a greater interest in lands which were held in common tenancy between two or more estates than has been allotted to him by an order under section 84 or section 86, or

(*ii*) any person who is aggrieved by an order made under section 88,

may bring a suit in a Court of competent jurisdiction to modify or set aside such order.

120. In the execution of the duties imposed on the Board by this Act, the Board shall be guided by such orders or instructions as they may from time to time receive from the Lieutenant Governor.[1]

Board to be guided by orders or instructions of Lieutenant-Governor.

121. The Board may from time to time, with the previous sanction of the Lieutenant Governor,[1] make rules[2]—

Power of Board to make rules.

(*a*) prescribing, in pursuance of section 18, clause (*q*), particulars to be contained in applications for partition;

(*b*) for regulating the appointment of persons under section 35 and the scale of their remuneration, and for enabling an officer making a partition to keep himself informed of the proceedings of such persons and to exercise a proper control over them;

(*c*) for determining the costs of partitions;

(*d*) for fixing, for the purposes of section 37, the instalments in which and the times at which the cost of making partition shall be levied from proprietors;

(*e*) for fixing a general scale of fees for the levy of charges from proprietors of estates under partition when the formation of an Estates Partition Fund has been directed under section 42;

(*f*) for fixing the instalments in which and the times at which the said fees shall be levied from proprietors;

(*g*) generally, for regulating the receipts, disbursements and management of any Estates Partition Fund formed under the said section 42;

(*h*) prescribing what entries in the record of existing rents and other assets shall be read out and, when necessary, corrected or added to, under section 47, sub-section (2);

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3 and Sch. D, Pt. I, cl. I, in Vol. I, pp. 623-624.
[2] The rules made by the Board are printed in the Batwara Manual, 1902.

(i) prescribing the manner in which and the period for which copies of survey papers and records of existing rents and other assets shall be published under section 48,

(j) prescribing the entries in survey papers or records of existing rents and other assets of which copies shall be furnished to landlords and tenants under the said section 48,

(k) prescribing the form of partition papers to be delivered under section 53 or prepared under section 57 and

(l) generally, for the guidance of officers in conducting partitions or making a survey and preparing a record of existing rents and other assets of land under this Act

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BENGAL ACT 3 OF 1898 [1]

[THE BENGAL TENANCY (AMENDMENT) ACT, 1898]

[2nd *November*, 1898]

An Act to amend sections 30, 31, 39, 52 and 119 and Chapter X of the Bengal Tenancy Act, 1885 [2]

WHEREAS it is expedient to amend sections 30, 31, 39, 52 and 119 and Chapter X of the Bengal Tenancy Act, 1885, [2] in the manner hereinafter appearing,

And whereas, the said Act having been passed by the Governor General of India in Council, the previous sanction of the Governor General has been obtained, under section 5 of the Indian Councils Act, 1892, [3] to the requisite amendments being made by an Act of the Lieutenant-Governor of Bengal in Council,

[And whereas the sanction of the Governor General has similarly been obtained to the amendment of the Court fees Act, 1870, [4] which is proposed by section 7 (105) of this Act,

It is hereby enacted as follows —

1 (1) This Act may be called the Bengal Tenancy (Amendment) Act, 1898, Short title

[*Commencement*] *Rep by the Repealing and Amending Act* 1903 (1 *of* 1903).

2 For clause (*a*) of section 30 of the Bengal Tenancy Act 1885 the following shall be substituted, namely — Amendment of Act 8, 1885 section 30

(*a*) [Printed in Vol I, p 410]

3 After clause (*d*) of section 31 of the said Act the following shall be inserted, namely — Amendment of Act 8, 1885, section 31

(*e*), (*f*) [Printed in Vol I, p 411]

4 After section 31 of the said Act the following shall be inserted namely — Insertion of sections 31A and 31B in Act 8, 1885

31A, 31B [Printed in Vol I, pp 412 413]

5 After the word "correct," in sub section (6) of section 39 of the said Act, the words "and may presume that the prices shown in the lists prepared for any year prior to the passing of this Act are correct" shall be inserted Amendment of Act 8, 1885 section 39 (6)

Objects and Reasons *see* Calcutta Gazette, ...mittee *see ibid* 1898 Pt IV, p 515, and pp 1213 1688 *ibid* 1898 Suppl pp 529,

Amendment of Act 8 1885, section 52

6 To section 52 of the said Act the following shall be added namely —

(5) [Printed in Vol I, p 420]

New Chapter X for Act 8 1885

7 For Chapter X of the said Act the following shall be substituted namely —

Ch X [Printed in Vol I, p 436]

Validation of publication of past records

8 All records published under section 103 of the Bengal Tenancy Act, 1885 [1] before the commencement of this Act whether in draft or final form shall be deemed to have been duly published 8 of

Effect of settlements of rent and decisions by Revenue officers made before the commencement of this Act

9 (1) Every settlement of rent or decision of a dispute by a Revenue-officer under section 104 or section 106 of the Bengal Tenancy Act, 1885 [1] before the commencement of this Act in respect of which no appeal has before the commencement of this Act been preferred to the Special Judge appointed under section 108 of that Act shall have the force and effect of a decree of a Civil Court in a suit between the parties and shall be final 8 of

Provided that an appeal shall lie to the District Judge from any such settlement or decision which was made or given within thirty days before the commencement of this Act if the appeal be presented within thirty days from the date of such settlement or decision

(2) The provisions of the Code of Civil Procedure [2] relating to appeals shall as nearly as may be, apply to all such appeals 14 of

Amendment of Act 8 1885 section 119

10 In section 119 [3] of the Bengal Tenancy Act 1885 the words and figures "sections 103A, 103B, 106, 107, 108, 109 and 109A" shall be substituted for the words and figures 'sections 105 to 109 both inclusive" 8 of 18

11 [*Repeal of Bengal Act* 5 1894] *Rep by the Repealing and Amending Act*, 1903 (1 *of* 1903)

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[1] Printed in Vol. I p 400
[2] Printed in General Acts 1882 84 Ed. 1898 p 26?
[3] Printed in Vol. I p 449

BENGAL ACT 1 OF 1899

(THE BENGAL GENERAL CLAUSES ACT, 1899)

CONTENTS

PROVISIONS AS TO ORDERS, RULES, ETC, MADE UNDER ENACTMENTS

BENGAL ACT 1 OF 1899[1]

(THE BENGAL GENERAL CLAUSES ACT, 1899).

[18*th January*, 1899.

An Act for further shortening the language used in Bengal Acts, and for other purposes

WHEREAS it is expedient further to shorten the language used in Bengal Acts, and to make certain other provisions relating to those Acts; It is hereby enacted as follows

PRELIMINARY

1 This Act may be called the Bengal General Clauses Act, 1899 Short title

2. [*Repeal of Bengal Act* 5 *of* 1867] *Rep by the Repealing and Amending Act*, 1903 (1 of 1903)

GENERAL DEFINITIONS

3. In this Act, and in all Bengal Acts made after the commencement of this Act, [2] unless there is anything repugnant in the subject or context,— Definitions

(1) "abet", with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code [3]; "Abet"

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[1] LEGISLATIVE PAPERS —For Statement of Objects and Reasons, *see* Calcutta Gazette, 1898, Pt IV, p. 570, and for Proceedings in Council, *see ibid*, Suppt, pp 1426, 1428, 1570 and 2538

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APPLICATION OF GENERAL CLAUSES ACTS —The General Clauses Act 1897, applies, for the

runs thus —

"12 Where, by any enactment now in force or hereafter to be in force, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandize, then a like duty is leviable according to the same rate on any greater or less quantity" Duty to be *taken pro rata*

The Bengal General Clauses Act, 1899 is expressed, in every section except ss 27 and 30 to apply only to Bengal Acts

Bengal Act 5 of 1867 (General Clauses) applies only to Bengal Acts

The Interpretation Act, 1889, applies only to Acts of Parliament

No General Clauses Act has yet (13th January, 1908) been passed by the Eastern Bengal

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made between the 1st

418 For two further

[3] See Act 45 of 1860 ss 107, 108 and 108A, in General Acts, 1834 67, Ed 1898, pp. 265 to 267

PROVISIONS AS TO ORDERS, RULES ETC, MADE UNDER ENACTMENTS

(11) [1] "Consular officer" shall include consul general, consul, vice consul, consular agent, pro consul and any person for the time being authorized to perform the duties of consul general, consul, vice consul or consular agent, 'Consular officer"

(12) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction, but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction, 'District Judge'

(13) [2] "document" shall include any matter written, [3] expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means which is intended to be used or which may be used, for the purpose of recording that matter, 'Document'

(14) "enactment" shall include a Regulation (as hereinafter [4] defined) and any Regulation of the Bengal Code, and shall also include any provision contained in any Act or in any such Regulation as aforesaid, 'Enactment'

(15) "father," in the case of anyone whose personal law permits adoption, shall include an adoptive father, Father"

(16) "financial year" shall mean the year commencing on the first day of April, Financial year

(17) [5] a thing shall be deemed to be done in 'good faith" where it is in fact done honestly, whether it is done negligently or not Good faith

(18) [6] "Government" or "the Government" shall include the Local Government [7] as well as the Government of India, 'Government'

(19) "Government of India" shall mean the Governor General in Council or, during the absence of the Governor General from his Council the President in Council or the Governor General alone, as regards the powers which may be lawfully exercised by them or him respectively, 'Government of India

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[1] For a similar definition *see* the Consular Salaries and Fees Act 1891 (54 & 55 Vict c 36) s 3

[2] [illegible]

post p 418

[4] See clause (35) of this section *post* p 417

[5] [illegible] c 61) [illegible] of [illegible] Gazette of [illegible]

The definition in the present Act differs from the definition "of good faith' contained in s 52 of the Indian Penal Code (Act 45 of 1860 printed in General Acts 1834 07, Ed 1898 p 250)

[6] For a similar definition *see* the concluding clause of s 3 of the Code of Civil Procedure (Act 14 of 1882) printed in General Acts 1882 84 Ed 1898 p 264

[7] For definition of Local Government' *see* clause (21) of this section *post* p 416

"Her Majesty" or "the Queen" — (20) [1] "Her Majesty" or "the Queen" shall include Her successors;

"Immovable property" — (21) [2] "immovable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth,

"Imprisonment" — (22) "imprisonment" shall mean imprisonment of either description [3] as defined in the Indian Penal Code, 45 of

"Local authority" — (23) [4] "local authority" shall mean a Municipal Committee, District Board, body of Port Commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund,

"Local Government" — (24) "Local Government" shall mean the Lieutenant Governor of Bengal, [5]

"Magistrate" — (25) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure [6] for the time being in force, 5 of

"Master" (of a ship) — (26) [7] "master," used with reference to a ship, shall mean any person (except a pilot or harbour master) having for the time being control or charge of the ship,

"Month" — (27) "month" shall mean a month reckoned according to the British calendar,

"Movable property" — (28) "movable property" [8] shall mean property of every description except immovable property,

"Oath" — (29) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing, [9]

"Offence" — (30) [10] "offence" shall mean any act or omission made punishable by any law for the time being in force,

"Part" — (31) "Part" shall mean a Part of the Act in which the word occurs,

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[3] i e, rigorous or simple—see s 53 of Act 45 of 1860, in General Acts, 1834 67, Ed 1898 p 250

[4] ... 1 of 1879), ... and Assam ... Ed. 1899, p 380

[7] For a similar definition, see the Merchant Shipping Act, 1894 (57 & 58 Vict., c 60) s. 742, in the Collection of Statutes relating to India Vol II Ed. 1901, p 1210

[8] For a comprehensive definition of the word "property," see s 168 of the Bankruptcy Act 1883 (46 & 47 Vict, c 52)

[9] Cf the definition of "affidavit" in clause (3) ante, p 414, and see the footnotes thereto

[10] For a similar definition, see s 4 (o) of the Code of Criminal Procedure, 1898 (Act 5 of 1898) in General Acts, 1891 98, Ed. 1899, p 384.

(General Definitions —Sec 3.)

(32) [1] "person" shall include any company or association or body of individuals, whether incorporated or not, "Person"

(33) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code, [2] "Public nuisance"

(34) "registered," used with reference to a document, shall mean registered in British India under the law [3] for the time being in force for the registration of documents, "Registered."

(35) "Regulation" shall mean a Regulation made under the Government of India Act, 1870, [4] "Regulation"

(36) [5] "rule" shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment, "Rule"

(37) "Schedule" shall mean a schedule to the Act in which the word occurs, "Schedule"

(38) "Scheduled District" shall mean a "Scheduled District" as defined in the Scheduled Districts Act, 1874 [6], "Scheduled District"

(39) "section" shall mean a section of the Act in which the word occurs, "Section"

(40) [7] "ship" shall include every description of vessel [8] used in navigation not exclusively propelled by oars, "Ship"

(41) "sign," with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark" with its grammatical variations and cognate expressions, "Sign"

(42) "son," in the case of anyone whose personal law permits adoption, shall include an adopted son, "Son"

(43) "sub section" shall mean a sub section of the section in which the word occurs, "Sub section."

(44) [9] "swear," with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing, "Swear"

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[3] *See* the Indian Registration Act, 1877 (3 of 1877), in General Acts, 1877 81, Ed. 1898, p. 41

(General Definitions—General Rules of Construction —Secs 4 6)

'Vessel (45) [1] "vessel" shall include any ship [2] or boat or any other description of vessel used in navigation,

Will' (46) [3] "will" shall include a codicil and every writing making a voluntary posthumous disposition of property,

"Writing" (47) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form, and

'Year' (48) "year" shall mean a year reckoned according to the British calendar [4]

Application of certain of the foregoing definitions to previous Bengal Acts

4 The definitions in section 3 of the following words, that is to say, "affidavit," "Magistrate," "month," "oath" and "swear", apply also, unless there is anything repugnant in the subject or context, to all Bengal Acts made between the first day of June, 1867, and the commencement of this Act

Continuance of certain definitions for purposes of previous Bengal Acts

5 In all Bengal Acts made between the first day of June 1867, and the commencement of this Act, unless there is anything repugnant in the subject or context —

(1) ' land" includes houses and buildings and corporeal hereditaments and tenements of any tenure, unless where there are words to exclude houses and buildings or to restrict the meaning to tenements of some particular tenure, and

(2) "person" includes any incorporated company or incorporated association of persons

General Rules of Construction

Coming into operation of Bengal Acts

6 (1) Where any Bengal Act is not expressed to come into operation on a particular day, [5] then it shall come into operation on the day on which it is first [6] published in the Calcutta Gazette after having received the assent of the Governor General

(2) Unless the contrary is expressed, a Bengal Act shall be construed as coming into operation immediately on the expiration of the day preceding its commencement

[1] For a similar definition *see* the Merchant Shipping Act 1894 (57 & 58 Vict c 60) s 74? in the Collection of Statutes relating to India Vol. II p 1?09

The word vessel is differently defined in the Indian Penal Code (Act 45 of 1860) s 48, printed in General Acts 1834 67 Ed 1898 p 250

[ ] For definition of ship *see* clause (40) of this section *ante* p 417

[3] The word will is differently defined in the Indian Succession Act 1865 (10 of 1865) s 3 printed in General Acts 1834 67 Ed. 1898 p 469

[4] For defin tion of financial year *see* clause (16) *ante* p 415

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7 In this Act, and in every Bengal Act made after the commencement of this Act, the date of such publication as is mentioned in section 6 sub-section (1), shall be printed above the title of the Act, and shall form part of the Act

Printing of date on which Act is published after having received the assent of the Governor General.

8 Where this Act, or any Bengal Act made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not—

Effect of repeal

(*a*) revive anything not in force or existing at the time at which the repeal takes effect, or

(*b*) affect the previous operation of any enactment so repealed or anything duly done [1] or suffered thereunder, or

(*c*) affect any right, privilege, obligation or liability [1] acquired, accrued or incurred under any enactment so repealed, or

(*d*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed, or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed

9 (1) In any Bengal Act made after the commencement of this Act it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose

Revival of repealed enactments

(2) This section applies also to all Bengal Acts made between the first day of June, 1867, and the commencement of this Act

10 Where this Act, or any Bengal Act made after the commencement of this Act, repeals and re enacts with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re enacted

Construction of references to repealed enactments

11 In any Bengal Act made after the commencement of this Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time to use the word " from," and, for the purpose of including the last in a series of days or any other period of time to use the word " to '

Commencement and termination of time.

12 Where by any Bengal Act made after the commencement of this Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period then if the Court or office is closed on that day or the last day of the prescribed period the act or

Computation of time

[1] As to the continuance of orders, etc, made under an enactment which is repealed and re-enacted see s. 25 post p 422.

proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open

Provided that nothing in this section shall apply to any act or proceeding to which the Indian Limitation Act, 1877, [1] applies 15 of 18

Measurement of distances

13 In the measurement of any distance for the purposes of any Bengal Act made after the commencement of this Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane

Gender and number

14. In all Bengal Acts, unless there is anything repugnant in the subject or context,—

(1) words importing the masculine gender shall be taken to include females, and

(2) words in the singular shall include the plural, and *vice versa*

POWERS AND FUNCTIONARIES

Powers conferred on the Government to be exercisable from time to time

15 Where, by any Bengal Act made after the commencement of this Act, any power is conferred on the Government, then that power may be exercised from time to time as occasion requires

Power to appoint to [illegible]

16 Where, by any Bengal Act, a power to appoint any person to fill any [illegible] function is conferred then, unless it is otherwise expressly [illegible] appointment, if it is made after the commencement of this Act, [illegible] made either by name or by virtue of office

Power to appoint to include power to suspend or dismiss

[2]17 Where, by any Bengal Act, a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power

Substitution of functionaries

18 In any Bengal Act made after the commencement of this Act it shall be sufficient for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office to mention the official title of the officer at present executing the functions or that of the officer by whom the functions are commonly executed

Successors

19 In any Bengal Act made after the commencement of this Act it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations

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[1] Printed in General Acts 1877 81, Ed 1898 p 75

[2] As to s 17, *see* the Notes on Clauses appended to the Statement of Objects and Reasons in Calcutta Gazette, 1898 Pt. IV, p 571

(Powers and Functionaries —Provisions as to Orders, Rules, etc , made under Enactments —Secs 20 24)

20 In any Bengal Act made after the commencement of this Act it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior

Official chiefs and subordinates

PROVISIONS AS TO ORDERS RULES ETC , MADE UNDER ENACTMENTS

21 Where, by any Bengal Act, a power to issue any order, scheme rule, by law, notification or form is conferred, then expressions used in the order, scheme, rule, by law, notification or form, if it is made after the commencement of this Act, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act conferring the power

Construction of orders etc issued under Bengal Acts

22 Where, by any Bengal Act, a power to make orders, rules, by laws or notifications is conferred, then that power includes a power, exerciseable in the like manner and subject to the like sanction and conditions (if any), to add to, amend vary or rescind any orders rules, by laws or notifications so made

Power to make to include power to add to amend, vary or rescind orders, etc

23 Where, by any Bengal Act which is not to come into operation on the day of which it is first published in the Calcutta Gazette after having received the assent of the Governor General a power is conferred to make rules or by laws, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office, or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where or the manner in which or the fees for which, anything is to be done under the Act

then that power may be exercised at any time after the Act has been published as aforesaid, but rules, by laws or orders so made or issued shall not take effect till the commencement of the Act

Making of rules or by laws and issuing of orders between publication and commencement of Bengal Act

24 Where, by any Bengal Act, a power to make rules or by laws is expressed to be given subject to the condition of the rules or by laws being made after previous publication then the following provisions shall apply, namely—

Provisions applicable to making of rules or by laws after previous publication.

(1) the authority having power to make the rules or by laws shall, before making them, publish a draft of the proposed rules or by laws for the information of persons likely to be affected thereby,

(2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Local Government [1] prescribes ,

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905) s. 3 and Sch D Pt I cl. I in Vol. I pp. 623 624

(Provisions as to Orders, Rules, etc, made under Enactments —Miscellaneous — Secs 25-28)

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration,

(4) the authority having power to make the rules or by laws, and, where the rules or by laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make rules or by-laws from any person with respect to the draft before the date so specified,

(5) the publication in the Calcutta Gazette [1] of a rule or by law purporting to have been made in exercise of a power to make rules or by-laws after previous publication shall be conclusive proof that the rule or by law has been duly made

Continuation of orders, etc issued under enactments repealed and re enacted

25 Where any enactment is after the commencement of this Act, repealed and re enacted by a Bengal Act with or without modification, then, unless, it is otherwise expressly provided any [2] [appointment] order, scheme, rule by law, notification or form [3] [made or] issued under the repealed enactment shall, so far as it is not inconsistent with the provisions re enacted, continue in force, and be deemed to have been [3] [made or] issued under the provisions so re enacted, unless and until it is superseded by any [2] [appointment], order, scheme, rule, by-law, notification or form [3] [made or] issued under the provisions so re enacted

MISCELLANEOUS

Recovery of fines

26 Sections 63 to 70 of the Indian Penal Code, [4] and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines [5] shall apply to all fines imposed under any Bengal Act or any rule or by-law made under any Bengal Act, unless the Act, rule or by law contains an express provision to the contrary

45 of 1
5 of 18

Provision as to offences punishable under two or more enactments.

27 Where an act or omission constitutes an offence [6] under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence

Meaning of service by post.

28 Where any Bengal Act made after the commencement of this Act authorizes or requires any document to be served by post, whether the expres-

[1] Now the E. B and A Gazette—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905) s. 3' and Sch D Pt I ol VII ... Vol I pp 623 ...

190 Act.

621

sion "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre paying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post

Citation of enactments

29 (1) In any Bengal Act, and in any rule, by law, instrument or document made under, or with reference to, any Bengal Act any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub section of the enactment in which the provision is contained

(2) In this Act, and in any Bengal Act made after the commencement of this Act, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation

Saving for previous Acts rules and by laws.

30 Where any Act, rule or by law made after the commencement of this Act continues or amends any Acts, rules or by laws made before the commencement of this Act, the foregoing sections of this Act shall not by reason merely of such continuance or amendment affect the construction of such Acts, rules or by laws

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BENGAL ACT 2 OF 1899[1]

(THE BENGAL CIVIL COURT AMINS ACT, 1899)

[25th October, 1899]

An Act to repeal the Civil Courts Amins Act, 1856, in Bengal [2]

WHEREAS it is expedient to repeal the Civil Courts Amins Act, 1856, so far as it applies to Bengal, [2] It is hereby enacted as follows — 12 of 1

Repeal of Act 12 of 1856

1 The Civil Courts Amins Act, 1856, is hereby repealed throughout Bengal [2]

Provided as follows —

(a) this repeal shall not affect any appointment already made under the said Act, and

(b) the persons holding such appointments shall perform such duties as may be required of them by the District Judge

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[1] SHORT TITLE —This short title was given by the Repealing and Amending Act 1903 (I of 1903) Sch I—see Vol I p 608

printed in Vol. I p 704

The Act has been extended to the District of Sylhet by notification under the Scheduled Districts Act 1874 (14 of 1874) s 5—see table B 2 in Appendix I to this Volume

[2] This includes Eastern Bengal. As to the district of Sylhet see the footnote immediately above

BENGAL ACT 3 OF 1900 [1]

(THE BENGAL CRUELTY TO ANIMALS ACT, 1900).

[*9th May*, 1900.]

An Act to amend Bengal Act 1 of 1869 [2] (an Act for the prevention of cruelty to animals).

WHEREAS it is expedient to amend Bengal Act 1 of 1869 [2] (*an Act for the prevention of cruelty to animals*); It is hereby enacted as follows :—

1. For section 1 of Bengal Act 1 of 1869 (*an Act for the prevention of cruelty to animals*) the following shall be substituted, namely :— Amendment of section 1 of Bengal Act 1 of 1869

[Printed in Vol. II, p. 65.]

2. For section 5 of the said Act the following shall be substituted, namely :— Amendment of section 5 of Bengal Act 1 of 1869

5 to 5 C. [Printed in Vol. II, pp. 66, 67.]

3 (1) This Act may be called the Bengal Cruelty to Animals Act, 1900. Short titles

(2) This Act, the aforesaid Bengal Act 1 of 1869, [2] and Bengal Act 3 of 1869 [3] (*an Act to enable Police-officers to arrest without warrant persons guilty of cruelty to animals*) may be cited together as the Bengal Cruelty to Animals Acts, 1869 to 1900

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[1] LEGISLATIVE PAPERS —For Statement of Objects and Reasons, *see* Calcutta Gazette, [illegible] t, January, 1900,

[illegible] taken to extend, [illegible] It consequently extends to Eastern Bengal

[illegible] ig Hill tracts by the Chittagong Hill- [illegible] l I, p 754

[illegible] printed in Vol II, p 65

[illegible] It is printed in Vol II, p. 68

BENGAL ACT 2 OF 1902[1]

[THE BENGAL DRAINAGE (AMENDMENT) ACT, 1902]

[1st October, 1902]

An Act to amend the Bengal Drainage Act, 1880 [2]

WHEREAS it is expedient to amend the Bengal Drainage Act, 1880, [2] in the manner hereinafter appearing, Ben of 18

It is hereby enacted as follows —

Short title

1 This Act may be called the Bengal Drainage (Amendment) Act,* 1902

PART I

Amendment of the Bengal Drainage Act 1880

Amendment of section 3 Bengal Act 6 of 1880

2 In section 3 of the Bengal Drainage Act, 1880, after the definition of "Collector" the following shall be inserted, namely —

[Printed in Vol II, p 437]

Amendment of section 26 and insertion of new section 26 A.

3 For section 26 of the said Bengal Drainage Act, 1880, the following shall be substituted, namely —

26, 26A [Printed in Vol II, p 445]

Amendment of section 28

4 In section 28, sub section (2), of the said Act, for the words and figures "the interest mentioned in section 26" the word "interest" shall be substituted

Repeal of section 29 and portions of sections 30 31 38 and 42 to 44

5 The following portions of the said Act are hereby repealed, namely —

section 29,

in section 30, the figures and word "26 or,"

in section 31, the words "upon such sums at five *per centum per annum*," and the words and figures "and any interest payable under section 29, and any interest payable under clause (1) of section 26, but not paid or recovered before the apportionment under section 28,"

in section 38, the words "thereupon at five *per centum per annum*,"

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[1] LEGISLATIVE PAPERS —For Statement of Objects and Reasons *see* Calcutta Gazette, [illegible] and for Proceedings [illegible]

[illegible] taken to extend. It consequently extends to Eastern Bengal.

The application of the Act is barred in the Chittagong Hill tracts by the Chittagong Hill tracts Regulation, 1900 (1 of 1900) s 4 (2) in Vol. I, p. 754

[2] Printed in Vol. II, p 436

in clause (*b*) of section 42, and in clause (*b*) of section 43, the words "at the rate of five *per centum per annum*," and

in sub section (3) of section 44, the words "at five *per centum per annum* "

6. After section 36 of the said Act the following shall be inserted, namely — Insertion of new section 36A

36A [Printed in Vol II, p 449]

7 (1) In section 37 of the said Act,— Amendment of section 37

for the words "its service" the words "the service thereof" shall be substituted, and

for the words "at the rate of five *per centum per annum*" the words "up to the day of payment" shall be substituted

(2) The words "at the said rate," in the said section 37, are hereby repealed

8 After section 41 of the said Act the following shall be inserted, namely — Insertion of new Part IVA

PART IVA [Printed in Vol II, p 451]

9 After section 44 of the said Bengal Drainage Act, 1880, the following shall be inserted, namely — Insertion of new sections 44A and 44B

44A, 44B [Printed in Vol II pp 453, 454]

10 In section 45 of the said Act, after the figures "43" the words and figures "or under section 44A" shall be inserted Amendment of section 45

11. (1) At the end of sub section (1) of section 48 of the said Act the following shall be added, namely — Amendment of section 48.

[Printed in Vol II, p 455]

(2) In sub section (3) of section 48 of the said Act, for the word "five" the word "four" shall be substituted

12 After section 51 of the said Act the following shall be inserted, namely — Insertion of new sections 51A to 51J

51A to 51J [Printed in Vol II, pp 456 to 459]

13 (1) In Schedule B to the said Bengal Drainage Act, 1880, for the word "five" the word "four" shall be substituted Amendment of Schedule B

(2) To the said Schedule the following shall be added, namely —

[Printed in Vol II, p 462]

PART II

Past claims and charges in respect of the drainage schemes of Howrah and Rajapur

14 to 19. [*Omitted, as being inapplicable to Eastern Bengal or Assam.*]

BENGAL ACT I OF 1903[1]

[THE BENGAL TENANCY (VALIDATION AND AMENDMENT) ACT, 1903]

[*25th February*, 1903]

An Act to validate certain transfers, made under the Bengal Tenancy Act, 1885, [2] of permanent tenures and holdings at fixed rents or fixed rates and of shares in the same; and to amend section 106 of that Act. 8 of 1885

WHEREAS doubts and difficulties have arisen respecting the meaning and effect of sections 12, 13, 17 and 18 of the Bengal Tenancy Act, 1885, [2] as regards the payment of the prescribed landlord's fee and the effect of the non-payment of such fee 8 of 1885

And whereas it is expedient to declare that registered transfers and sales and decrees or orders for foreclosure of mortgage, confirmed and made absolute by the Civil Courts, of permanent tenures and holdings at fixed rates and fixed rents and of shares in such tenures and holdings, shall not be deemed to be invalid merely on the ground that the landlord's prescribed fee has not been paid ,

And whereas it is also expedient to amend section 106 of the said Act in manner hereinafter appearing ,

And whereas the said Act having been passed by the Governor General of India in Council, the sanction of the Governor General has been obtained, under section 5 of the Indian Councils Act, 1892,[3] to the passing of this Act, 55 & 56 Vic c 14

It is hereby enacted as follows :—

Validation of transfers of tenures and holdings and shares in the same

1 No transfer which has heretofore been made or which may hereafter be made under section 12, section 13, section 17 or section 18 of the Bengal Tenancy Act, 1885,[2] of a permanent tenure, or of a holding at a rent or rate of rent fixed in perpetuity or of a share in such tenure or holding shall be deemed to be invalid merely on the ground that the landlord's fee prescribed by the said sections 12 or 13 has not been paid : 8 of 1885

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[1] [illegible] ...utta Gazette, [illegible] ...igs in Council, [illegible] ... of 1885) and [illegible] ... that of the latter Act as to which see footnote on p. 400 of Vol. I

[2] Printed in Vol. I, p.400

[3] Printed in the Collection of Statutes relating to India, Vol. II, 1903, p 911

Provided always that, subject to the *Explanation* following, nothing in this section shall be held to affect the decision of a Court of competent jurisdiction which has become final before the commencement of this Act

Explanation —A decree in a suit for rent which has become final disallowing a claim for rent on the ground that the relationship of land lord and tenant does not exist between the parties to the suit by reason of the non-payment of the landlord's fee, shall not bar a suit for rent which became payable subsequently to such claim

2 In any case where the prescribed fee has been or may hereafter be left unpaid, the landlord may, within two years of the commencement of this Act, Realization of fee when left unpaid

or within two years of the date of registration of the document effecting the transfer,

or within two years of the date of confirmation of the sale by the Civil Court,

or within two years of the date upon which a decree or order absolute for the foreclosure of a mortgage has been or may hereafter be made by the Civil Court,

apply to the Collector for realization of such fee from the transferee, or from the auction purchaser or from the person who has obtained an order absolute for foreclosure of mortgage in the Civil Court, and on such application being presented, the Collector shall realize such fee if still unpaid, together with costs of realization, from such person as if it were an arrear of revenue

3 Nothing in section 1 shall be deemed to affect the provisions of section 88 [1] of the said Bengal Tenancy Act, 1885 Saving of Section 88

4 For section 106 of the said Act, the following shall be substituted, namely — Substitution of new section for section 106

106 [Printed in Vol I, p 444]

5 This Act may be called the Bengal Tenancy (Validation and Amendment) Act, 1903 Short title

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[1] Printed in Vol. I p. 433

BENGAL ACT 3 OF 1903 [1]

(THE BENGAL MOTOR-CAR AND CYCLE ACT, 1903).

[1st April, 1903]

An Act for regulating the use of motor-cars and cycles in streets and public places in Bengal.[2]

WHEREAS it is expedient to provide for regulating the use of motor cars and cycles in streets and public places in Bengal [2];

It is hereby enacted as follows —

Short title and local extent

1 (1) This Act may be called the Bengal Motor-car and Cycle Act, 1903,

[(2) *It extends to—*

(a) *the town of Calcutta as defined in section 3 of the Calcutta Police Act,* 1866, [3] Ben Ac 1866

(b) *the suburbs of Calcutta, as for the time being defined by notifications published under section 1 of Bengal Act 2 of* 1866 *(an Act to provide for the better regulation of the Police within the suburbs of the town of Calcutta)* [4] *and*

(c) *the town of Howrah, and*]

(3) The Local Government [5] may, by notification in the Calcutta Gazette, [6] extend it to any other town or area in Bengal [2]

Definition of "motor-car"

2 A "motor car" shall include a vehicle, carriage or other means of conveyance, propelled, or which may be propelled by mechanical power, either entirely or partially

Power of Local Gov

3 (1) The Local Government [5] may, from time to time, after previous publication [7] make, modify or cancel rules for [illegible] otor-cars

[1] [illegible] Gazette, 190 [illegible] Council, see [illegible] Eastern Ben [illegible] trac [illegible]

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[illegible] is printed in the Bengal Code, 1905, Vol. IV, p [illegible]

[5] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, *1905 (7 of 1905), s* 3 and Sch. D, *Pt. I*, cl. I in Vol. *I*, pp *623, 624*

[6] Now the E B and A. Gazette—*see* the Bengal and Assam Laws Act, *1905 (7 of 1905), s* 3, and Sch. D, Pt. I, cl. VII in Vol. I, pp. 623, 625

[7] As to previous publication, *see* the Bengal General Clauses Act, 1899 (Ben Act 1 of 1899), s 24, *ante* p. 421

(*Sec* 3)

and cycles in [1] streets, public places and any other area [1] to which the Act applies ernment to make rules

(2) Without prejudice to the generality of the foregoing power, the Local Government [2] may make rules under this section containing directions as to all or any of the following matters, namely —

(*a*) prohibiting the use of motor cars which are not so constructed as to admit of their being at all times under due control,

(*b*) prohibiting the use of motor cars not provided with brakes of such character as may be required by the rules,

(*c*) the maintenance of motor cars and their fittings in such a condition as to prevent danger to the public or any person,

(*d*) the standard of competency for driving or taking charge of a motor-car to be required by the Local Government, [2]

(*e*) prohibiting the driving of motor cars by incompetent persons,

(*f*) prohibiting the leaving of motor cars unattended or in the charge of incompetent persons,

(*g*) the speed at which motor cars and cycles may be driven and ridden,

(*h*) the carrying of a speed indicator on motor cars,

(*i*) the carrying of number and name plates on motor cars, and the registration thereof

(*j*) the rule of the road,

(*k*) prohibiting the driving of motor cars or the riding of cycles on foot ways, streets or other places, where their use may be attended with danger to the public,

(*l*) the carrying and use of a bell or other instrument on motor cars and cycles for giving audible and sufficient warning of their approach or position,

(*m*) the carrying of lights on motor cars and cycles between sunset and sunrise, and the description of lights to be carried on motor cars and the position in which they should be placed,

(*n*) the stoppage of motor cars when required by the police for the regulation of traffic or for other reasonable purpose, and

(*o*) generally, the prevention of danger or injury to persons, animals, vehicles or goods, and the prevention of obstruction to traffic.

(3) All rules made under this section shall be finally published in the Calcutta Gazette, [3] and shall come into operation from the date of such final publication

[1—1] *Sic. Read* streets and public places in any area—*cf* the preamble and section 1 *ante* p. 432.

[2] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch. D Pt. I cl. I in Vol. I pp 623 624

[3] Now the E. B and A. Gazette—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s 3 and Sch. D Pt. I cl. VII in Vol. I pp 623 625

Penalties

4 Any breach of any rule made under this Act may on conviction be punished with fine which may extend to fifty rupees, or in the case of a second or subsequent conviction, to one hundred rupees

Arrest of offenders without warrant

5 (1) Any police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his view a breach of any rule made under section 3, if the name and residence of such person be unknown to such officer and cannot be ascertained by him then and there

(2) When any such arrest has been made, the provisions of section 57 sub sections (2) and (3) and sections 60 to 63 of the Code of Criminal Procedure, 1898, [1] shall apply ...5 of 18

Offences by whom triable

6 Offences committed in contravention of this Act shall be triable [*by Presidency Magistrates or*] by any Magistrate of the first class within whose jurisdiction the offence may have been committed

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[1] Printed in General Acts 1891 98 Ed 1899 p 380

BENGAL ACT 4 OF 1903 [1]

THE CHITTAGONG PORT COMMISSIONERS (AMENDMENT) ACT, 1903]

[6th May, 1903]

An Act to amend the Chittagong Port Commissioners Act, 1887 [2]

WHEREAS it is expedient to amend the Chittagong Port Commissioners Act, 1887 [2]

It is hereby enacted as follows —

1 This Act may be called the Chittagong Port Commissioners (Amendment) Act, 1903 Short title

2 After section 10 of the Chittagong Port Commissioners Act, 1887, the following shall be inserted, namely — Insertion of new section 10A.

10A [Printed *ante*, p 238]

3 After section 33 of the said Act the following shall be inserted, namely — Insertion of new sections 33A and 33B

33A, 33B [Printed *ante*, p 245]

4 After section 64 of the said Act the following shall be inserted, namely — Insertion of new section 64A

64A [Printed *ante*, p 253]

see Calcutta Gazette

BENGAL ACT I OF 1904 [1]

THE BENGAL TRAMWAYS (AMENDMENT) ACT, 1904]

[*2nd March*, 1904.]

An Act to amend the Bengal Tramways Act 1883.

WHEREAS it is expedient to amend the *Bengal* Tramways Act, 1883, It is hereby enacted as follows :— Ben Act 1883

Short title

1. This Act may be called the *Bengal* Tramways (Amendment) Act, 1904.

Amendment of Ben. Act 3 of 1883, s 41

2. After the word "shorter," in the proviso [2] to section 41 of the *Bengal* Tramways Act, 1883, the words "or longer" shall be inserted.

BENGAL ACT 2 OF 1904 [1]

(THE BENGAL PUBLIC PARKS ACT, 1904)

[9th *March*, 1904]

An Act for the regulation of Public Parks in Bengal. [2]

WHEREAS it is expedient to protect public parks and gardens in Bengal [2] from injury, and to secure the public from molestation and annoyance while resorting to such parks and gardens

It is hereby enacted as follows —

1. (1) This Act may be called the Bengal Public Parks Act, 1904 Short title and application.

(2) It [*applies to the public parks and gardens mentioned in the Schedule, and*] may be applied to any other public park or garden in Bengal [2] by order of the Local Government [3] published in the Calcutta Gazette [4]

2 In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "park" means any public park or garden to which this Act applies by virtue of section 1, sub section (2), or any order published thereunder,

(*b*) "superintendent" means the person in executive charge of a park, and for the purposes of section 6, sub section (2), includes also—

(*i*) an assistant superintendent of a park, and

(*ii*) any member of the Managing Committee (if any) of a park; and

(*c*) "park durwan" means any person appointed by the superintendent, or by the authority to whom the superintendent is subordinate to act as a durwan of the park

3 The Local Government [3] may, by notification in the Calcutta Gazette, [4] declare that any specified land, bridge or pontoon shall, for the purposes of this Act, be deemed to be included in any park Power to extend boundaries of park.

4 (1) The Local Government [3] may make rules for the management and preservation of any park, and for regulating the use thereof by the public Power to make rules.

LOCAL EXTENT —This Act may be applied to any public park or garden in Eastern Bengal [illegible]

(*Sec* 5)

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) regulate the admission of persons, horses and ponies, and carriages palanquins and other conveyances, into the park, and prescribe fees to be paid therefor,

(*b*) prohibit or regulate the bringing of dogs, motor cars bicycles or tricycles into the park,

(*c*) prohibit the doing of all or any of the following things by persons other than employés of the park, that is to say, plucking or gathering anything growing in the park, breaking trees, branches or plants, cutting names or marks on trees disfiguring buildings, furniture or monuments removing or disfiguring labels or marks attached to trees or plants,

(*d*) prohibit the purchase of any produce of the park otherwise than from the superintendent or some other authorized person,

(*e*) prohibit shooting bird nesting the catching of butterflies or any act of cruelty,

(*f*) prohibit or regulate fishing or boating, and prescribe fees to be paid by persons obtaining permission to fish or to use boats,

(*g*) prohibit bathing, or the pollution of water by any other means,

(*h*) prohibit the grazing of horses or ponies,

(*i*) prohibit the teasing or annoying of animals or birds kept in the park

(*k*) prohibit the commission of any nuisance, or the molestation or annoyance of any person resorting to the park

(3) In making any rule under this section, the Local Government [1] may direct that a breach thereof shall be punishable with fine which may extend to one hundred rupees

(4) The power to make rules under this section is subject to the condition that they shall be made after previous publication [2]

(5) *All* rules made under this section *shall be published in the Calcutta* Gazette [3]

Exhibition of copies of notifications and rules in park

5 One or more copies in English and in one or more vernacular languages, of every notification published under section 3, and of all rules made under section 4 for observance by persons resorting to a park, and for the time being in force, shall be put up in the park in such conspicuous manner as the superintendent may deem best calculated to give information to such persons

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[1] [illegible] Laws Ac[illegible]

[2] [illegible] 1899) s.

[3] Now the E. B and A. Gazette—*see* the Bengal and Assam Laws Act 1905 (7 of 1905), s 2 and Sch D Pt. I cl VII in Vol I pp 627 [illegible]

(*Secs* 6 9)

Refusal of offender to give name and residence.

6 (1) If any person who, in the presence of a park durwan in uniform, has committed or has been accused of committing a breach of any rule made under section 4 and who is unknown to such durwan, refuses, on demand of such durwan, to give his name and residence, or gives a name or residence which such durwan has reason to believe to be false, such person may be detained by such durwan in order that his name or residence may be ascertained

(2) When any person is detained under sub section (1) he shall forthwith be taken to the superintendent or, if the superintendent be not present in the park or its immediate precincts, such person shall be taken to the nearest police station or, if he so request to the nearest Magistrate having jurisdiction to try him

(3) If the true name and residence of any person so taken to the superintendent be not ascertained within a reasonable time, the superintendent shall forthwith send for an officer of police, and shall detain the offender until the arrival of such an officer, and shall then deliver him into the custody of such officer, to be taken to the nearest police station

(4) If the true name and residence of any person taken to a police station under this section be not ascertained within a reasonable time, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction to try him

(5) When the true name and residence of any person detained under this section have been ascertained, he shall be allowed to depart

(6) No person shall be detained under this section for a longer period than twelve hours

Superintendent and park-durwan deemed public servants

7 Every superintendent and park durwan shall, for the purposes of the Indian Penal Code [1] be deemed to be a public servant

General powers, duties etc, of park-durwan.

8 Every park durwan shall, in addition to any powers and immunities specially conferred on him by this Act or by rules made hereunder, have, within the limits of the park to which he is appointed, all such powers, privileges and immunities, and shall, within the said limits, be liable to all such duties and responsibilities, as a police constable has and is liable to within the limits of the police station in which such park is comprised

Provided that every park durwan shall be subordinate to the superintendent.

General powers, etc, of police constables

9 Every police constable employed within the limits of a police station shall have, within any park comprised in such limits, the powers, privileges and immunities conferred on a park durwan by this Act and any rules made hereunder

[1] Printed in General Acts 1834 67 Ed 1898 p. 240

(Schedule)

THE SCHEDULE

PUBLIC PARKS AND GARDENS TO WHICH THIS ACT APPLIES IN THE FIRST INSTANCE

[*See section 1, sub section (2)*]

[*The Royal Botanic Garden, Sibpur*
The Zoological Garden, Alipur
The Eden Gardens, Calcutta
The Lloyd Botanical Garden, Darjeeling
The Victoria Pleasance, Darjeeling]

BENGAL ACT 3 OF 1904

(THE BENGAL SETTLED ESTATES ACT, 1904)

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BENGAL ACT 3 OF 1904 [1]

(THE BENGAL SETTLED ESTATES ACT 1904)

[9th March, 1904]

An Act to facilitate the family settlement of estates in Bengal [2]

WHEREAS it is expedient to facilitate the making of family settlements of estates by landholders in Bengal,[2]

And whereas the Bengal Land revenue Sales Act 1859 [3] the Indian Succession Act 1865 [4] the Court fees Act 1870 [5] the Indian Limitation Act 1877 [6] the Probate and Administration Act 1881 [7] the Transfer of Property Act 1882 [8] the Succession Certificate Act, 1889, [9] and the Indian Stamp Act 1899 [10] having been passed by the Governor General of India in Council the previous sanction of the Governor General has been obtained under section 5 [11] of the Indian Councils Act, 1892 to the passing of this Act

11 of 1859; 10 of 1865; 7 of 1870; 15 of 1877; 5 of 1881; 4 of 1882; 7 of 1889; 2 of 1899; 55 & 56 Vict c 14

It is hereby enacted as follows —

PART I

PRELIMINARY

Short title and extent

1 (1) This Act may be called the Bengal Settled Estates Act, 1904 and
(2) It extends to the whole of Bengal [2]

Definitions

2 (1) In this Act unless there is anything repugnant in the subject or context —

(a) "estate" includes—

(i) immovable property

(ii) money and securities for money and

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[1] LEGISLATIVE PAPERS —For Statement of Objects and Reasons see Calcutta Gazette 1903 Pt IV p 57 for Report of Select Committee see ibid 1904 Pt IV p 1 and for Proceedings in Council see ibid 1903 Pt IV A pp 192 and 207 and ibid 1904 Pt. IV A pp 2 and 16.

LOCAL EXTENT —This Act extends to the whole of the former Province of Bengal and therefore to Eastern Bengal—see s 1 (2)

The application of the Act is barred in the Chittagong Hill tracts by the Chittagong Hill tracts Regulation 1900 (1 of 1900) s 4 (2) printed in Vol. I p 754

[2] This includes Eastern Bengal.

[3] Printed in Vol. I p 318

[4] Printed in General Acts 1834 67 Ed 1898 p 468

[5] Printed in General Acts 1868 76 Ed 1898 p 124

[6] Printed in General Acts 1877 81 Ed. 1898 p. 73

[7] Printed in ibid p 339

[8] Printed in General Acts 1882 84 Ed 1898, p 40

[9] Printed in General Acts 1885-90 Ed. 1898 p. 281

[10] Printed in General Acts 1899 1903 Ed 1904 p 6

[11] Printed in the Collection of Statutes relating to India, Vol II Ed. 1901 p 913.

(iii) any jewellery or other movable property which should, in the opinion of the Local Government, [1] be treated as heirlooms,

(*b*) "settled estate" means an estate in respect of which a settlement made under this Act is for the time being in force,

(*c*) "settlor" means the person who makes a settlement under this Act,

(*d*) "first tenant for life" means the settlor,

(*e*) "second tenant for life" means the person appointed by a settlement made under this Act to take a settled estate on the death of the first tenant for life, or who, on the surrender by the first tenant for life, takes his interest under the settlement,

(*f*) "third tenant for life" means the person appointed by a settlement made under this Act to take a settled estate on the death of the second tenant for life, or who, on the surrender by the second tenant for life, takes his interest under the settlement,

(*g*) "tenant for life" means a first, second or third tenant for life,

(*h*) "son" includes a son born after the execution of a settlement, and in the case of anyone whose personal law permits adoption, includes also a son—

(*i*) duly adopted either before or after the execution of a settlement, by the adoptive father himself, or

(*ii*) duly adopted to her deceased husband within five years after his death, by a widow, acting under authority, in writing and registered lawfully conferred on her by him in that behalf,

(*j*) "secured debt" means a debt, demand or claim which is secured by way of a mortgage charge or lien on specified property and is primarily enforceable against such property,

(*k*) "unsecured debt" means a debt, demand or claim (other than a secured debt) for any sum exceeding five hundred rupees, which is enforceable against the person or general property of the debtor,

(*l*) "secured creditor" means a person who is entitled to enforce payment of a secured debt,

(*m*) "unsecured creditor" means a person who is entitled to enforce payment of an unsecured debt,

(*n*) "incumbrance" means a secured debt, or an unsecured debt, or both,

(*o*) the expression "the Collector," when used with reference to any estate, means the Collector of the district in which the estate or any part thereof is situated, and

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905) s 3 and Sch. D Pt. I cl. I in Vol. I pp. 623 624

(*p*) the expression "the Civil Court," when used with reference to any estate, means the principal Civil Court having original jurisdiction in the area in which the estate or any part thereof is situated

(2) A person shall be deemed for the purposes of this Act to be "competent to contract" if he is of the age of majority according to the law to which he is subject and is of sound mind and is not disqualified from contracting by any law to which he is subject

(3) All words and expressions used in this Act which are defined in the Transfer of Property Act 1882 [1] shall have the same meaning as in that Act 4 of 18

PART II

Application for Permission to make a First Settlement of an Estate

Who may apply for permission to settle an estate

3 (1) Any landholder may apply to the Local Government [2] for permission to make a settlement of an estate under this Act —

(*a*) if he is competent to contract

(*b*) if he is in possession of the estate either in his own right or along *with or on behalf of others and*

(*c*) if the estate is held in permanent heritable and transferable right

(2) Provided that no application may be made under sub section (1) in respect of any estate—

(*i*) unless the applicant is solely entitled to the estate, or

(*ii*) if the estate belongs to a joint Hindu family—unless the applicant is the *karta* or managing member of the family, or

(*iii*) if the estate belongs to co sharers—unless the applicant is a principal shareholder in the estate and has by custom or with the consent *of his co sharers the sole right of management over the estate*

Signature verification and contents of application.

4 (1) Every such application must be in writing, and must be signed by the applicant and verified by him in the manner prescribed in section 52 [3] of the Code of Civil Procedure for the verification of plaints 14 of 1882.

(2) Every such application must contain the following particulars, namely

(*a*) a description of the estate sufficient for its identification,

(*b*) a statement of the income yielded annually by the property comprised in the estate and the revenue rates and taxes due to the Government or any Local Authority annually in respect of such property, and

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[1] Printed in General Acts 1882 1884 Ed 1898 p 40

[2] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl. I in Vol I pp 623 624

[3] Printed in General Acts 1882 84 Ed 1898 p. 283

(*c*) a list giving a full and complete enumeration and description of all incumbrances held by secured and unsecured creditors, respectively, and enforceable against the applicant or the estate, with the name and address of each such creditor, and a correct statement of the amount due to each such creditor

Declarations and draft to accompany application in the case of an estate belonging to a joint Hindu family or to co sharers

5 (1) If any estate in respect of which an application is made under section 3 belongs to—

(*a*) a joint Hindu family, or

(*b*) co sharers,

the application must be accompanied by—

(*i*) a sworn declaration by the applicant,—

in case (*a*), that he is the *karta* or managing member of the family, or

in case (*b*), that he is a principal shareholder in the estate and has, by custom or with the consent of his co sharers, as the case may be, the sole right of management over the estate, and

(*ii*) a sworn declaration, in case (*a*) by the other co owners, or in case (*b*) by the other co sharers, that they are willing to assent to the estate being settled under this Act, and

(*iii*) a draft of the proposed instrument of settlement

(2) If any of the said other co owners or co sharers is, at the time when the application is made, a minor, a declaration under clause (*ii*) of sub section (1) may be accepted if it is

made on behalf of such minor by the guardian of his property or (when a guardian of his property cannot lawfully be appointed) the guardian of his person, appointed or declared under the Guardians and Wards Act, 1890 [1] or any other law for the time being in force, and

approved by an order in writing under the seal of the Court which appointed or declared the guardian

(3) If any of the aforesaid other co owners or co sharers is, at the time when the application is made, a lunatic, a declaration may be accepted under clause (*ii*) of sub section (1) if it is

made on behalf of such lunatic by his committee appointed under the Lunacy (Supreme Courts) Act, 1858, [2] or the Lunacy (District Courts) Act 1858, [3] or any other law for the time being in force, and

approved by an order in writing under the seal of the Court which appointed the committee

[1] Printed in General Acts 1883 90 Ed. 1898 p. 384
[2] Printed in General Acts, 1834 67 Ed. 1898 p. 144
[3] Printed in *ibid*, p 151

(*Part II —Application for Permission to make a First Settlement of an Estate — Secs 6 8*)

Power to reject application.

6 The Local Government [1] may, in its discretion, and after such inquiry (if any) as it may think fit to make, by written order reject any application made under section 3

Transmission and notification of application

7 If any application made under section 3 is not rejected under section 6, and if the Local Government [1] is satisfied that the conditions specified in section 3 are fulfilled, and that the provisions of sections 4 and 5 have been duly complied with,

the Local Government [1] shall send a copy of the application, and of the declarations which accompanied it, as also a copy of the draft of the proposed instrument of settlement, to each creditor who is named in the application, and to each person who has made a declaration in pursuance of clause (*ii*) of section 5,

and, with the previous sanction of the Governor General in Council, shall publish a notification—

(*a*) setting forth the application [except the particulars inserted therein in pursuance of clause (*b*) of section 4] and the declarations which accompanied it,

(*b*) calling upon all creditors, whether secured or unsecured, holding or entitled to incumbrances enforceable against the applicant or the estate to which the application relates, and all other persons interested or claiming to be interested in the estate, to send to the Local Government [1] a written notice of their incumbrances and interests, respectively, within a period of six months from the date of the notification, and

(*c*) intimating that any objections to the proposed settlement, whether urged by creditors or by other persons interested in the estate, which may be communicated to the Local Government [1] in writing within the said period, will be duly considered

Rejection or approval of application after notification.

8 (1) At any time after the expiration of the said period, and after considering any notices and objections received under section 7, and after such inquiry (if any) as it may think fit to make, the Local Government [1] may, in its discretion, by written order, either—

(*a*) reject such application, or

(*b*) grant permission to make the proposed settlement, in respect either of the whole of the property to which the application relates or of any part thereof

Provided that, if any incumbrances have been set forth in the application or brought to the notice of the Local Government, [1] such permission shall not be granted unless—

(*i*) the incumbrances are first discharged or

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch. D Pt I cl. I in Vol. I pp 623, 624

(Part II —Application for Permission to make a First Settlement of an Estate — Part III —Provisions to be contained in First Settlements —Secs 9, 10)

(ii) a condition is made for the insertion in the settlement of provisions, to be assented to by the creditors and approved by the Local Government,[1] for the discharge of the incumbrances, or for their continuance, with or without modification, and for the payment of interest thereon

(2) If the right of the applicant to make the settlement is disputed by or on behalf of any person interested or claiming to be interested in the estate, the Local Government [1] may, if it thinks fit, refer the matter in dispute to the Civil Court for decision, before determining whether to reject the application or to grant permission to make the proposed settlement, and the Civil Court shall, in dealing with any such reference, follow the procedure prescribed in the Code of Civil Procedure [2] for the trial of suits, so far as the same may be applicable

(3) Every decision by the Civil Court under sub section (2) shall be deemed to be a decree within the meaning of the Code of Civil Procedure [2], and an appeal therefrom shall lie to the High Court

Rejection no bar to making fresh application.

9 The rejection under section 6 or section 8 of an application for permission to make a settlement of an estate under the foregoing provisions of this Act shall be no bar to the making of a fresh application in respect of the same estate, if the applicant shows sufficient reason for so doing

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PART III

Provisions to be contained in First Settlements

Settlement of estates for three generations

10 (1) Every settlement made under the foregoing provisions of this Act in respect of any estate shall provide that the estate shall be held for life—

(a) by the settlor, as first tenant for life

(b) and thereafter, by the second tenant for life, who shall be the eldest or only son of the first tenant for life,

(c) and thereafter, by the third tenant for life, who shall be the eldest or only son of the second tenant for life

(2) Every such settlement shall further provide,—

(i) if the estate is one to which the settlor was, immediately before the execution of the settlement solely entitled—that, after the life of the third tenant for life, the eldest or only son of such tenant shall hold the estate absolutely

(ii) if the estate belonged, immediately before the execution of the settlement, to a joint Hindu family—that, after the life of the third tenant for life, the eldest or only son of such tenant shall during

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 [illegible] 1905) s 3 and Sch [illegible] Vol 1 [illegible] 123 124

[2] Printed in General Acts 1882 1884 [illegible] p 2?2

his life be the *karta* or manager of the estate, but without prejudice to the rights of any persons who, but for the settlement, would be co owners of the estate, and

(*iii*) if the estate belonged, immediately before the execution of the settlement, to co sharers—that, after the life of the third tenant for life, the eldest or only son of such tenant shall have during his life the sole right of management over the estate,

but subject in each case to the terms of any fresh settlement made by a tenant for life in pursuance of permission granted under section 16

(3) If the eldest or only son of the settlor has predeceased the settlor, or if the settlor desires to exclude such son from holding the estate on the ground of incapacity or defect of character which is proved by the settlor to the satisfaction of the Local Government [1] then notwithstanding anything contained in the foregoing sub sections, the Local Government [1] may *permit* him to provide in the settlement—

(*i*) that the second tenant for life shall be another son of the settlor, if he has another son or the eldest or only son of the son who has predeceased the settlor or has been excluded as aforesaid, and

(*ii*) that the third tenant for life shall be the eldest or only son of the second tenant for life, or the eldest or only son of the son who has predeceased the settlor or has been excluded as aforesaid

(4) Any settlement made under the foregoing provisions of this Act may provide that any tenant for life may, with the previous sanction of the Local Government [1] by written instrument surrender his interest under the settlement in favour of the next tenant for life

Further remainders

11 Every settlement made under the foregoing provisions of this Act may also contain provisions for vesting the estate, in the event of the settlement on the second tenant for life or the third tenant for life or his son failing to take effect, in some other person descended from the settlor or the settlor's father in the direct male line

Further provisions in settlements.

12 (1) Every settlement made under the *foregoing provisions* of this Act shall specify all incumbrances referred to in clause (*ii*) of section 8

(2) Every such settlement shall also contain such *provisions* as may be approved by the Local Government [1] with regard to the following matters, namely —

(*a*) the discharge of incumbrances on the estate, and the payment of interest thereon, or their continuance (with or without modification), and the payment of interest thereon,

(*b*) the maintenance of the co owners and co sharers (if any) by or on whose behalf a declaration has been made under clause (*ii*) of

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905) s 3 and Sch D Pt I cl I in Vol I pp 623 624

section 5, and of all persons who at the time of the execution of the settlement are, or thereafter may be, legally entitled to maintenance out of the estate;

(c) the management of the estate after the death of the settlor—

(i) during a period not exceeding five years after such death, pending the adoption of a son under the circumstances described in sub-clause (ii) of clause (*h*) of section 2, or

(ii) during the minority of the second tenant for life;

(*d*) the management of the estate after the death of the second tenant for life—

(i) during a period not exceeding five years after such death, pending the adoption of a son under the circumstances described in sub-clause (ii) of clause (*h*) of section 2, or

(ii) during the minority of the third tenant for life;

(*e*) the management of the estate after the death of the third tenant for life—

(i) during a period not exceeding five years after such death, pending the adoption of a son under the circumstances described in sub-clause (ii) of clause (*h*) of section 2, or

(ii) during the minority of the next holder.

(3) If any settlement made under the foregoing provisions of this Act includes money, securities for money or movable property, the settlement shall contain such provisions as may be approved by the Local Government [1] for vesting such money, securities or property in a trustee, for the investment or conversion of such money or securities in or into securities authorized by section 20 [2] of the Indian Trusts Act, 1882, and for the payment to the trustee of expenses and remuneration in accordance with rules made under section 37, clause (*c*).

Explanation.—The Official Trustee of Bengal [3] the Collector or any private person may be appointed to be a trustee for the purposes of this sub-section.

(4) In addition to the various matters hereinbefore specified, the Local Government [1] may require or permit the insertion in any settlement made under the foregoing provisions of this Act of any provision which it may think fit, and may make its approval of the settlement conditional on the insertion of provisions which it has required to be inserted.

[1] N w the Loc l [illegible] Assam—see the Bengal and Assam Vol. I pp. 623 [illegible]

2

Act 1864 (17 of 1864) in [illegible]

Provided that no provisions inserted in pursuance of this sub section shall operate to the prejudice of any secured or unsecured creditor unless assented to by him

PART IV

SUPPLEMENTARY SETTLEMENTS AND FRESH SETTLEMENTS

Supplementary settlement in respect of property

13 (1) At any time after a settlement has been made under the foregoing provisions of this Act, a tenant for life may apply to the Local Government [1] for permission to make a supplementary settlement for the purpose of adding further property to the settled estate—

(a) if he is competent to contract

(b) if he is in possession of such property, either in his own right or along with or on behalf of others and

(c) if such property is held in permanent heritable and transferable right

(2) Provided that no application may be made under sub section (1) in respect of any property—

(i) unless the applicant is solely entitled to the property, or

(ii) if the property belongs to a joint Hindu family—unless the applicant is the *karta* or managing member of the family, or

(iii) if the property belongs to co sharers—unless the applicant is a principal shareholder in the property and has, by custom or with the consent of his co sharers, the sole right of management over the property

(3) The provisions of sections 4 to 9 shall apply to every application made under sub section (1) in respect of any property, and the provisions of sections 10 to 12 shall apply to every settlement of such property, as if the property were an "estate" within the meaning of those sections

Power to apply for permission to make a supplementary settlement in respect of persons

14 If at any time after any settlement has been made under the foregoing provisions of this Act the second tenant for life dies during the life of the settlor or the settlor desires to exclude him from holding the estate on the ground of incapacity or defect of character which is proved by the settlor to the satisfaction of the Local Government [1]

the settlor may, if he is competent to contract, apply to the Local Government [1] for permission to make a supplementary settlement for the purpose of appointing to be second tenant for life and third tenant for life, respectively, any other person who might have been so appointed in pursuance of clauses (i) and (ii) of sub section (3) of section 10

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I, cl I in Vol I pp 623 624

Power to apply for permission to make a fresh settlement

15 At any time after any settlement has been made under the foregoing provisions of this Act a tenant for life of a settled estate may, if he is competent to contract, apply to the Local Government [1] for permission to make a fresh settlement of the estate

Procedure in dealing with applications under section 14 or 15

16 (1) The provisions of section 4 sub section (1) and section 9 shall apply to every application for permission to make a supplementary settlement in respect of persons or a fresh settlement

(2) If any such application relates to an estate to which the settlor was immediately before the execution of the former settlements respectively, solely entitled the Local Government [1] may in its discretion and after such inquiry (if any) as it may think fit to make by written order either—

(*i*) reject the application or

(*ii*) grant permission to make the proposed settlement

(3) If any such application relates to an estate which belonged immediately before the execution of the former settlements respectively to a joint Hindu family or to co sharers the application must be accompanied by a declaration by all persons (other than the applicant) who but for such settlements would be co owners of or co sharers in the estate to the effect that they are willing to assent to the proposed settlement

(4) If any of such co owners or co sharers is at the time when the application is made a minor or a lunatic a declaration under sub section (3) of this section may be accepted if it is made and approved as indicated in sub section (2) or sub section (3) as the case may be of section 5

(5) In every case referred to in sub section (3) of this section the Local Government [1]

shall send a copy of the application and of the declarations which accompanied it to each person who has made a declaration in pursuance of that sub section

and with the previous sanction of the Governor General in Council shall publish a notification—

(*a*) setting forth the application and the declarations which accompanied it

(*b*) calling upon all persons (other than creditors) interested or claiming to be interested in the estate to send to the Local Government [1] written notice of their interests within a period of six months from the date of the notification and

( ) intimating that any objections by such persons to the proposed settlement which may be communicated to the Local Government [1] in writing within the said period will be duly considered

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[1] Now the Local Government of Eastern Bengal and Assam — see the Bengal and Assam Laws Act 190[illegible] (7 of 190[illegible]) s 3 and Sch I [illegible]

and at any time after the expiration of the said period and after considering any notices and objections received under this sub section and after such inquiry (if any) as it may think fit to make may in its discretion by written order either—

(*i*) reject the said application or

(*ii*) grant permission to make the proposed settlement

Provisions as to fresh settlements

17 (1) The provisions of sections 10 11 and 12 shall apply to every fresh settlement made in pursuance of permission granted under section 16

(2) All property which immediately before the execution of a fresh settlement in respect of any estate is included in any former settlement of the estate made under this Act must be included in such fresh settlement

(3) No property shall be included in any fresh settlement made under this Act in respect of any estate unless it is immediately before the execution of such settlement included in a former settlement of the estate made under this Act

(4) If any incumbrance which is dealt with in any former settlement made under this Act in respect of any estate is still in existence at the time of the execution of the fresh settlement of the estate then nothing contained in such fresh settlement shall affect the rights of the creditor unless assented to by him

(5) Every fresh settlement made under this Act in respect of any estate shall subject to the foregoing provisions of this section supersede all former settlements made under this Act in respect of such estate

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PART V

SETTLEMENTS GENERALLY

Approval stamping and registration of settlements

18 (1) No settlement made under this Act shall take effect unless the instrument of settlement—

(*a*) is of a non testamentary character

(*b*) is attested by two or more witnesses

(*c*) has been approved by the Local Government [1] before execution and the fact of such approval having been given is certified on the instrument by one of the Secretaries to the Local Government, [1]

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[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl I in Vol. I pp 603 604

(*d*) bears a stamp of the full value prescribed by sub-section (2), or, if the sanction of the Board of Revenue [1] has been given under sub-section (3), of one-third of such value; and

(*e*) is registered within three months after the said approval has been certified as aforesaid.

(2) Every instrument of settlement made under this Act, not being a supplementary settlement referred to in section 14 or a fresh settlement referred to in section 15, shall, notwithstanding anything contained in the Indian Stamp Act, 1899, [2] bear a stamp of a value equivalent to one-fourth of the annual net profits of the estate comprised in the settlement.

(3) Provided that a stamp of one-third of such value may be affixed, with the previous sanction of the Board of Revenue, [1] on arrangements being made to its satisfaction for the affixing of stamps for the rest of such value at subsequent dates within three years from the date of the instrument.

(4) If any question arises, with reference to sub-section (2) or sub-section (3), as to the amount of the annual net profits of any estate, the decision of the Board of Revenue [1] thereon shall be final.

(5) Every instrument making a supplementary settlement referred to in section 14 or a fresh settlement referred to in section 15 shall, notwithstanding anything contained in the Indian Stamp Act, 1899, [2] bear a stamp of ten rupees.

(6) Subject to the foregoing provisions of this section, every instrument of settlement shall take effect from the date of its execution.

19. (1) No instrument of surrender referred to in sub-section (4) of section 10 shall take effect unless it— **Approval, stamping and registration of instruments of surrender.**

(*a*) is of a non-testamentary character;

(*b*) is attested by two or more witnesses;

(*c*) has been approved by the Local Government [3] before execution, and the fact of such approval having been given is certified on the instrument by one of the Secretaries to the Local Government; [3]

(*d*) is stamped in accordance with the provisions of the Indian Stamp Act, 1899, [2] and

(*e*) is registered within three months after the said approval has been certified as aforesaid.

(2) Subject to the foregoing provisions of this section, every such instrument shall take effect from the date of its execution.

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[1] Now the Bo[illegible]d of Reve[illegible]e of E[illegible]st[illegible]rn B[illegible] and [illegible] —see the Bengal and Assam [illegible] Vol. I, pp. 623, 625.

[illegible] —see the Bengal and Assam [illegible] pp. 623, 624.

Bar to application of succession laws in respect of property comprised in settlement.

20. (1) Notwithstanding anything contained in the Indian Succession Act, 1865, [1] the Probate and Administration Act, 1881, [2] or the Succession Certificate Act, 1889, [3] it shall not be necessary for any person to obtain probate or letters of administration, or a certificate under the last mentioned Act, to admit of his taking any property or recovering any debt or realizing any security in virtue of a settlement made under this Act. 10 of 1865. 5 of 1881. 7 of 1889.

(2) If any probate, any letters of administration or any certificate granted under the Succession Certificate Act, 1889, [3] purports to cover any property, debt or security which is comprised in a settlement made under this Act, then, notwithstanding anything contained in Article 11 or Article 12 of Schedule I to the Court-fees Act, 1870, [4] no Court fee shall be levied under either of those Articles in respect of such property, debt or security. 7 of 1889. 7 of 1870.

Power of Local Government to grant certificate after death of tenant for life.

21. At any time after the death of any tenant for life of a settled estate, any of the Secretaries to the Local Government [5] may, upon the application of any person claiming a right to hold the settled estate under the instrument of settlement, grant a certificate to such person declaring him to be entitled to hold such estate under such instrument, and such certificate shall be presumed to be correct unless and until the contrary is proved.

Notification of instruments of settlement and instruments of surrender or revocation of settlement.

22. (1) When any instrument of settlement or surrender of settlement or revocation of settlement is registered, the registering officer shall report the fact to the Local Government [5], and, on receipt of such report, the Local Government [5] shall publish a notification stating the purport of the instrument and the office in which it has been registered.

(2) The Collector shall cause a copy of every such notification to be posted in his office and to be published on the settled estate at such places and in such manner as may in his opinion be sufficient for giving information to tenants and other persons interested.

Abrogation of inconsistent laws.

23. No settlement or part of a settlement made under this Act shall be liable to be avoided or set aside by any Civil Court by reason only that it contravenes—

(a) any provision of the Transfer of Property Act, 1882, [6] or 4 of 1882.

(b) any law or rule for the time being in force for the prevention of perpetuities, or

(c) any family custom or any personal law or law of succession to which the family is subject,

which is inconsistent with the provisions of this Act.

[1] Printed in General Acts, 1834-67, Ed. 1898, p. 468.
[2] Printed in General Acts, 1877-81, Ed. 1898, p. 339.

[5] Assam—see the Bengal and Assam Vol. I, pp. [illegible]3, 621.

PART VI

REVOCATION, CANCELLATION AND AMENDMENT OF SETTLEMENTS

24. (1) A tenant for life of a settled estate may, at any time, if he is competent to contract, apply to the Local Government [1] for permission to revoke, either wholly or as respects any particular property, any settlement made under this Act. Revocation of settlement by tenant for life.

(2) The Local Government [1] after considering the application and the result of any inquiry made by it or under its orders, and any further particulars or information called for by it, may, in its discretion, by written order either—

(*a*) reject the application, or

(*b*) grant the permission applied for, or

(*c*) grant permission to revoke the settlement as respects such property only as may be specified in the order.

(3) When permission is granted under sub-section (2) to revoke a settlement either wholly or as respects any particular property, the revocation shall not take effect unless the instrument of revocation—

(*i*) is of a non-testamentary character,

(*ii*) is attested by two or more witnesses,

(*iii*) has been approved by the Local Government [1] before execution, and the fact of such approval having been given is certified on the instrument by one of the Secretaries to the Local Government [1],

(*iv*) is stamped in accordance with the provisions of the Indian Stamp Act, 1899, [2] and

(*v*) is registered within three months after the said approval has been certified as aforesaid.

(4) Subject to the foregoing provision of this section every such instrument shall take effect from the date of its execution.

25. (1) Notwithstanding anything hereinbefore contained, the Local Government [1] may at any time declare by notification that any settlement made under this Act in respect of a settled estate shall be deemed— Cancellation or amendment of settlement by Local Government.

(*a*) to be cancelled, or

(*b*) to be amended so as to exclude any part of the estate described in the notification.

(2) On the publication of such notification the said settlement shall be deemed to be cancelled or amended as aforesaid, as the case may be.

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[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s. 3 and Sch. D, Pt. I, cl. I, in Vol. I, pp. 623-624.

[2] Printed in General Acts, 1899-1903, Ed. 1904, p. 6.

(Part VI —Revocation, Cancellation and Amendment of Settlements — Part VII —Rights and Powers of Tenant for Life, and Protection of Settled Estate during his Life —Secs 26 29)

Revival of incumbrances on revocation, cancellation or amendment of settlement

26. When any instrument of settlement is revoked under section 24, or cancelled or amended under section 25 the rights of all persons having incumbrances on the estate shall, notwithstanding anything contained in the Indian Limitation Act, 1877, [1] revive and be enforceable as if the settlement had not been made, but subject to any payments which were made while the settlement was in force 15 of 1877

PART VII

Rights and Powers of tenant for Life, and Protection of Settled Estate during his Life

Right of tenant for life to profits of settled estate

27 All profits of a settled estate, which are realized by a tenant for life, or which, immediately before his death were due to him but were not realized by him shall, subject to the other provisions of this Act belong absolutely to such tenant or his heirs, executors, administrators or assigns

Provided that if any rents due to a tenant for life in respect of a settled estate were in arrear immediately before his death, the same shall, upon his death, notwithstanding anything contained in this Act, or in the Indian Succession Act, 1865, [2] or in any other law or in any settlement made under this Act, and notwithstanding any will or other disposition made by such tenant, become due to the next holder of the estate 10 of 1865

Restriction on alienation by tenant for life

28 Except as provided in sections 29 and 30 a tenant for life of a settled estate shall not be entitled to transfer by way of sale or gift, or otherwise alienate, or to create any incumbrance upon, or to lease, the estate, or any part thereof, or to assign his right to receive any of the profits thereof

Sales by tenant for life

29 (1) A tenant for life of a settled estate may, with the previous written sanction of the Civil Court, sell the estate or any part thereof.

(2) If the estate belonged, immediately before the execution of the settlement, to a joint Hindu family or to co sharers the Court shall, before determining to accord such sanction, notify the proposed sale to all persons (except the tenant for life) who, but for the settlement, would be co owners or co-sharers in the estate, and shall hear and duly consider any objection which may be advanced by them or on their behalf

(3) The proceeds of every such sale shall be paid by the purchaser to the Collector, and shall be held by the Collector in trust to re invest the same, with the approval of the Local Government, [3] in immovable property,

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[illegible] 1877 [illegible] 1908 [illegible] 75

[illegible] Bengal and Assam

Revival of incumbrances on revocation, cancellation or amendment of settlement

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PART VII

Rights and Powers of tenant for Life, and Protection of Settled Estate during his Life

Right of tenant for life to profits of settled estate

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Provided that if any rents due to a tenant for life in respect of a settled estate were in arrear immediately before his death the same shall, upon his death notwithstanding anything contained in this Act or in the Indian Succession Act 1865, [2] or in any other law or in any settlement made under this Act, and notwithstanding any will or other disposition made by such tenant, become due to the next holder of the estate 10 of 1865

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(2) If the estate belonged, immediately before the execution of the settlement, to a joint Hindu family or to co sharers the Court shall, before determining to accord such sanction notify the proposed sale to all persons (except the tenant for life) who but for the settlement, would be co owners or co-sharers in the estate, and shall hear and duly consider any objection which may be advanced by them or on their behalf

(3) The proceeds of every such sale shall be paid by the purchaser to the Collector, and shall be held by the Collector in trust to re invest the same, with the approval of the Local Government, [3] in immovable property,

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[1] Printed in General Acts 1877 81 Ed 1898 p 75
[2] Printed in General Acts 1834 67, Ed. 1898 p 468
[3] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch. D, Pt. I, cl. I, in Vol. I, pp. 623, 624.

period, and any interest due thereon and the expenses incurred in the management, and shall then—

(a) pay the balance of such proceeds to the person then entitled to hold the estate and

(b) furnish such person with an account of the receipts and expenditure during the management and

(c) release the estate or part to such person

(3) If, after a settled estate or part thereof held by a tenant for life has been managed and released by the Collector under sub sections (1) and (2) any such arrear as aforesaid again accrues in respect of the estate or part during the life of the same tenant and if the sale of the estate or part thereof for the recovery of the arrear is not sanctioned by the Local Government [1] under section 33

the Court of Wards may take charge of and deal with the estate or part under the provisions of the Court of Wards Act 1879 [2] and may retain such charge until the death of such tenant and, if the next holder is then a minor, until such minor attains his majority

Ben. Act 9 1879

and the said tenant shall while the Court of Wards has charge of the estate or part be debarred from receiving any income from the estate or part other than such monthly sum as the Court of Wards may allow for the support of himself and his family

and the powers conferred by sections 29 and 30 of this Act shall while the Court of Wards has charge of the estate or part be exerciseable by the Court of Wards and not by the said tenant

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PART VIII

MISCELLANEOUS

Form publication and duration of permissions granted by Local Government

35 (1) Every permission granted by the Local Government[1] under section 8 section 10 sub section (3) section 12 sub section (4) section 13 section 16 or section 24 shall be in writing signed by one of the Secretaries to the Local Government [1] and shall contain a description of the property or person in respect of which the permission is granted sufficient to identify the same

(2) Every permission granted by the Local Government[1] under section 8 section 13 section 16 or section 24 shall be published by notification and shall

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s [illegible] and Sch D Pt I cl I in Vol I pp. 6[illegible]3 6[illegible]4

[2] Printed in Vol II p 38

of the Code of Civil Procedure, [1] for the purpose of recovering the amount of the decree and, subject to the rights of any secured creditor over such estate or part, satisfying the claims of the decree holder 14 of 1882.

(3) An appeal shall lie to the High Court from any order made by a Court under sub section (2)

Sale of settled estate for arrears of land revenue, etc

33 (1) Notwithstanding anything contained in the *Bengal* Land revenue Sales Act, 1859, [2] or any other law, no settled estate or part of a settled estate shall, without the previous sanction of the Local Government, [3] be sold, during the life of any tenant for life thereof, for an arrear of land-revenue or for any other arrear which is recoverable in the same manner as an arrear of land revenue 11 of 1859

(2) If any settled estate or part of a settled estate be sold, with the sanction required by sub section (1) of this section, to any person other than the tenant for life, the resulting surplus shall be dealt with in the manner described in sub section (3) of section 29

and, if the estate or any part thereof be purchased at the sale by the tenant for life, the resulting surplus shall be paid to the tenant for life, and the estate or part so purchased shall, notwithstanding the sale, continue to be subject to the settlement

(3) If the person whose name is entered in any certificate granted under the said *Bengal* Land revenue Sales Act, 1859, [2] or any other law, as purchaser of a settled estate or part thereof, is not the tenant for life, the said resulting surplus may be retained by such person, and shall not be payable to the tenant for life, even though it may be claimed that the purchase was made by such person on behalf of the tenant for life 11 of 1859.

Procedure for recovery of such arrears

34 (1) If any such arrear accrues in respect of a settled estate, or any part thereof, during the life of any tenant for life thereof, and if the sale of the estate or part for the recovery of the arrear is not sanctioned by the Local Government [3] under section 33, the Collector may attach the estate or part,

and shall thereupon be entitled, to the exclusion of all other persons, to receive all rents and other moneys (if any) due to such tenant in respect of such estate or part

and may manage the estate or part, either directly or through a manager for such period as may be necessary for the recovery of such arrear

(2) Upon the expiration of the period referred to in sub section (1), the Collector shall deduct from the proceeds of the management the amount of the said arrear and of any similar arrears that may have accrued during such

[1] Printed in General Acts 1882 84 Ed. 1898, p 262

[2] Printed in Vol. I p. 318

[3] Now the Local Government of Eastern Bengal and Assam —see the Bengal and Assam Laws Act, 1905 (7 of 1905) s 3 and Sch. D Pt. I cl I in Vol I, pp. 623 624

period, and any interest due thereon, and the expenses incurred in the management, and shall then—

(a) pay the balance of such proceeds to the person then entitled to hold the estate, and

(b) furnish such person with an account of the receipts and expenditure during the management, and

(c) release the estate or part to such person

(3) If, after a settled estate or part thereof held by a tenant for life has been managed and released by the Collector under sub sections (1) and (2), any such arrear as aforesaid again accrues in respect of the estate or part during the life of the same tenant, and if the sale of the estate or part thereof for the recovery of the arrear is not sanctioned by the Local Government [1] under section 33,

the Court of Wards may take charge of and deal with the estate or part under the provisions of the Court of Wards Act, 1879, [2] and may retain such charge until the death of such tenant and, if the next holder is then a minor, until such minor attains his majority, (Ben. Act 9 of 1879)

and the said tenant shall, while the Court of Wards has charge of the estate or part, be debarred from receiving any income from the estate or part, other than such monthly sum as the Court of Wards may allow for the support of himself and his family,

and the powers conferred by sections 29 and 30 of this Act shall, while the Court of Wards has charge of the estate or part, be exerciseable by the Court of Wards and not by the said tenant

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PART VIII

Miscellaneous

35 (1) Every permission granted by the Local Government[1] under section 8, section 10, sub section (3), section 12, sub section (4), section 13 section 16 or section 24 shall be in writing signed by one of the Secretaries to the Local Government, [1] and shall contain a description of the property or person in respect of which the permission is granted, sufficient to identify the same (Form publication and duration of permissions granted by Local Government)

(2) Every permission granted by the Local Government[1] under section 8, section 13, section 16 or section 24 shall be published by notification and shall

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905), s 3 and Sch D Pt. I cl I in Vol. I pp. 623 624

[2] Printed in Vol II, p. 38

remain in force until the expiry of twelve months from the date of the notification, or until the death of the applicant, whichever first happens

Notifications how to be published

36 Every notification prescribed by this Act shall be published in the Calcutta Gazette [1] and also in such Vernacular Gazettes (if any) [2] as the Local Government [3] may direct

Power to make rules

37 (1) The Local Government [3] may, after previous publication, [4] make rules for carrying out the purposes of this Act

(2) In particular, and without prejudice to the generality of the foregoing provision, the Local Government [3] may make rules for all or any of the following matters, namely —

(a) the procedure to be followed in submitting an application to the Local Government [3] under this Act,

(b) the form and contents of such applications and the documents (if any) which should accompany them,

(c) the payment to trustees, out of the trust property, of expenses properly incurred in or about the execution of any trust created under this Act, and of remuneration for their trouble, skill and loss of time in executing any such trust,

(d) the guidance of the Collector in managing estates attached under section 34,

(e) the payment or recovery of any expenses incurred by the Government in connection with any proceedings taken under this Act

Application of Court of Wards Act, 1879

38 The provisions of the Court of Wards Act, 1879, [5] so far as they are not inconsistent with the terms of settlements duly made under this Act, shall be applicable to settled estates Ben Act 9 of 1879

Saving of rights of secured creditors

39 Nothing in this Act shall affect the rights of any secured creditor—

(a) if his incumbrances or any of them have not been set forth in the list prescribed by section 4, clause (c), or

(b) if he has not assented to any condition inserted in a settlement made under this Act for the discharge or continuance of his incumbrances or any of them

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[1] Now the E B and A Gazette—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch. D, Pt. I cl. VII, in Vol. I, pp 623 625

[2] Now the E B and A Gazette (Vernacular Ed)—*see ib*

[3] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch. D Pt. I, cl I in Vol I pp 623 624

[4] As to previous publication, *see* the Bengal General Clauses Act 1899 (Ben. Act I of 1899) s 24 *ante* p 421

[5] Printed in Vol II p 385

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BENGAL ACT I OF 1905 [1]

(THE SUNDARBANS ACT, 1905)

[22nd March, 1905]

An Act to provide for the abolition of the Office of Commissioner in the Sundarbans

WHEREAS it is expedient to abolish the Office of Commissioner in the Sundarbans,

And whereas the previous sanction of the Governor General has been obtained, under section 5 [2] of the Indian Councils Act, 1892, to the passing of this Act, (55 & 56 Vict., 14.)

It is hereby enacted as follows —

1 This Act may be called the Sundarbans Act, 1905 — Short title

2 The Sundarbans Regulation, 1816, and clause *Second* of section 13 of the Bengal Land revenue Assessment (Resumed Lands) Regulation 1828, [3] and so much of the Repealing and Amending Act, 1903, [4] as relates to the said Surdarbans Regulation, 1816 are hereby repealed — Repeal of enactments. (of 1816; of 1828; of 1903)

3 All the powers and functions heretofore vested in and exercised by, the Commissioner in the Sundarbans in any district shall henceforth be vested in, and exerciseable by, the Collector of that district — Collectors to exercise powers and functions of Commissioner in the Sundarbans

4 In every written instrument relating to land in the Sundarbans executed prior to the commencement of this Act all references to "the Commissioner in the Sundarbans" shall be construed as referring to the Collector of the district in which the land or any part of it is situated — Construction of references in written instrument

Reasons see Calcutta Gazette p 9 and for Proceedings in 10 23 and 30

LEASES ETC.—As to grants assignments and leases of land in the Sundarbans see the Bengal Land revenue Assessment (Resumed Lands) Regulation, 1828 (3 of 1828) s 13 (I) in Vol I p 2

RULES —For rules for the Raiyatwari Settlement of the Bakarganj portion of the Sundarbans see the E B and A Gazette 1907 Pt II pp 240 882

[2] Printed in the Collection of Statutes relating to India Vol II Ed. 1901 p. 913

[3] Printed in Vol I p 251

[4] Printed in Vol I p. 59

BENGAL ACT 3 OF 1905

(THE BENGAL SMOKE NUISANCES ACT, 1905)

CONTENTS

SECTION

BENGAL ACT 3 OF 1905 [1]

(THE BENGAL SMOKE NUISANCES ACT, 1905)

[*3rd May*, 1905]

An Act to amend the law relating to the abatement of nuisances arising from the smoke of furnaces or fire-places [*in the town and suburbs of Calcutta and in Howrah*,] and to provide for the extension thereof to other areas in Bengal [2]

WHEREAS it is expedient to amend the law relating to the abatement of nuisances arising from the smoke of furnaces or fire places [*in the town and suburbs of Calcutta and in Howrah*,] and to provide for the extension thereof to other areas in Bengal [2],

It is hereby enacted as follows —

1 (1) This Act may be called the Bengal Smoke nuisances Act, 1905, and Short title and extent

(2) [*Application of Act to town and suburbs of Calcutta and to Howrah*] *Omitted as being inapplicable to Eastern Bengal*

2 (1) The Local Government [3] may, by notification published in the Calcutta Gazette [4] and in such other manner (if any) as the Local Government [3] may determine, declare its intention to extend this Act to any specified area in Bengal [2] other than the areas mentioned in section 1, sub section (2) Power to extend Act.

Provided that, if a military cantonment is situated within any area to which it is proposed to extend this Act, no notification shall be published under this sub section in respect of such area without the previous sanction of the Governor General in Council

(2) Any inhabitant of an area to which it is proposed to extend this Act may, if he objects to such extension, submit his objection in writing to the Local Government [3] within a period of three months from the publication of the said notification in the Calcutta Gazette [4]

(3) At any time after the expiration of the said period, and after considering the objections (if any) submitted under sub section (2), the Local Govern-

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[4] Now the E. B and A. Gazette—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s 3 and Sch. D, Pt. I, cl VII in Vol I, pp. 623 625

ment [1] may by notification in the Calcutta Gazette [2] extend this Act to the said area

Definitions

3 In this Act —

(1) ' furnace ' means any furnace or fire place used—

(a) for working engines by steam or

(b) for the purpose of carrying on any trade manufacture or industry in cases not falling under clause (a)

Provided that a furnace or fire place used for any of the following purposes shall not be deemed to be a furnace within the meaning of this Act namely —

(i) household or domestic purposes

(ii) the raising of steam on ocean going steamers within such period prior to their leaving the port or to their moving from one part to another thereof as may be prescribed by rule made under section 10 sub section (2) clause (f) or

(iii) the burning of the dead

(2) Inspector means a Chief Inspector of Smoke nuisances or an Assistant Inspector of Smoke nuisances appointed under this Act

(3) ' the Commission means the Bengal Smoke nuisances Commission constituted under this Act

(4) the expression owner when used with reference to a furnace includes any agent or hirer using the furnace and any foreman or other person super intending the working of the furnace and

(5) Magistrate means [*a Presidency Magistrate*] a Magistrate of the first class or a Bench of Magistrates exercising first class powers under the Code of Criminal Procedure [3] 5 of 1898

Constitution of Commission

4 (1) The Local Government [1] shall by notification in the Calcutta Gazette [2] constitute a Commission to be called the Bengal Smoke nuisances Commission to supervise and control the working of this Act

(2) The said Commission shall consist of a President and so many other members as the Local Government [1] may determine

(3) One half of the members (exclusive of the President) shall be officials nominated by *the Local Government* [1] *and the remainder* shall be non officials nominated in such manner as the Local Government [1] may direct by bodies or associations whose interests are likely to be affected by this Act

(4) *Subject to the provisions of sub section (3) all members of the Com*mission shall be appointed and all vacancies in the Commission shall as

[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch. D Pt. I cl I in Vol. I pp 673 674.

[2] Now the E. B. and A. Gazette—see the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt. I cl. VII in Vol. I pp 673 6[illegible]

[3] Printed in General Acts 1891 1898 Ed. 1899 p. 350

occasion requires be filled up by the Local Government [1] by notification in the Calcutta Gazette [2]

(5) No act done by the Commission shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Commission

5 (1) The Local Government [1] may, by notification in the Calcutta Gazette, [2] appoint a Chief Inspector of Smoke nuisances and so many Assistant Inspectors of Smoke nuisances as it may think fit

Appointment of Inspectors.

(2) Every Assistant Inspector appointed under sub section (1) shall be subordinate to the Chief Inspector and all Inspectors shall be subordinate to and subject to the control of the Commission

6 (1) The Local Government [1] may, by notification in the Calcutta Gazette, [2] prohibit within any specified area —

Power to prohibit the erection of kilns or furnaces or the manufacture of coke in specified areas

(a) the erection of brick tile or lime kilns

(b) the erection of furnaces to be used for the calcining or smelting of ores or minerals or for the casting puddling or rolling of iron or other metals or for the conversion of pig iron into wrought-iron, or

(c) the manufacture of coke in ovens or with special appliances or

(d) the making of coke without ovens or special appliances

[*Provided that where prior to the issue of such notification a license has been granted by the Chairman of the Calcutta Corporation under the provisions of Chapter XXXIII* [3] *of the Calcutta Municipal Act* 1899 *for the erection of a furnace to be used for any of the purposes mentioned in clauses* (a) *and* (b) *or for the manufacture of coke as described in clauses* (c) *and* (d) *such notification shall not affect such furnace or such manufacture*]

Act 3 of

(2) If any kiln or furnace be erected in contravention of any notification issued under sub section (1) clause (a) or clause (b) the owner thereof shall be liable to fine which may extend to two hundred and fifty rupees

(3) If any person manufactures coke in contravention of any notification issued under sub section (1) clause (c) he shall be liable to fine which may extend on a first conviction to two hundred and fifty rupees and on any subsequent conviction to five hundred rupees

(4) If any person makes coke in contravention of any notification issued under sub section (1) clause (d) he shall be liable to fine which may extend on a first conviction to twenty five rupees and on any subsequent conviction to fifty rupees

7 (1) Whenever a Magistrate imposes a fine on any person under section

Power to

[1] Now the Local Government of Eastern Bengal and Assam —*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s. 3 and Sch D Pt. I cl I in Vol I pp 6 3 6?4
[2] Now the E. B and A. Gazette—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl VII in Vol. I pp 6?3 625
[3] Printed in the Bengal Code 1905 Vol. III p 193

order demolition of kilns or furnaces erected within prohibited areas

6, sub section (2), for erecting a kiln or furnace in contravention of any notification issued under section 6, sub section (1), clause (a) or clause (b), he may by order direct such person to demolish the kiln or furnace within a period to be specified on the order

(2) If any person fails to demolish any kiln or furnace within the period prescribed in any such order, or within such longer period as the Magistrate may, for special reason, allow, he shall be liable to a fine which may extend to twenty rupees for every day thereafter during which such failure continues.

Penalty when smoke is emitted to a greater extent than is permitted by rules

8 (1) If smoke be emitted from any furnace in greater density, or at a lower altitude, or for a longer time, than is permitted by rules made under this Act, the owner of the furnace shall be liable to fine which may extend, on a first conviction, to fifty rupees, on a second conviction to one hundred rupees and on any subsequent conviction to two hundred rupees

(2) Sub-section (1) shall not apply to any furnace which is used—

(a) in connection with a brick, tile or lime kiln, or

(b) for any of the purposes mentioned in clause (b), clause (c) or clause (d) of section 6

Powers of Inspectors

9 (1) An Inspector may, after giving reasonable notice in writing to the owner manager, engineer or person in charge—

(a) enter and inspect, during working hours, any building or place which contains a furnace, and inspect such furnace ,

(b) under the written authority of the Commission, use and test any appliance used for preventing the emission of smoke from any such furnace , and

(c) under the written authority of the Commission, direct that any such furnace be worked or stoked experimentally, during his visit to such building or place, in any manner which he may consider suitable for preventing or reducing the emission of smoke, but not so as to interfere with the business carried on in such building or place further than is necessary for the purposes of the experiment

(2) If any owner of a furnace in respect of which a direction is given under clause (c) fails to secure compliance with such direction, he shall be liable to fine which may extend to one hundred rupees

Rules

10. (1) The Local Government [1] may, with the previous sanction of the Governor General in Council, and after previous publication, [2] make rules to carry out the objects of this Act

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[1] Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905) s. 3 and Sch. D, Pt. I, cl I, in Vol. I, pp 623 624

[2] As to previous publication, see the Bengal General Clauses Act, 1899 (Ben. Act I of 1899) s. 24, ante, p. 421

(*Sec* 10)

(2) In particular, and without prejudice to generality of sub-section (1), such rules may—

(*a*) regulate the transaction of business by the Commission,

(*b*) prescribe the powers and duties to be exercised and performed by the Commission and by Inspectors, respectively, and regulate the exercise and performance of those powers and duties,

(*c*) prescribe a scale for the purpose of determining the density of smoke,

(*d*) prescribe the density of smoke that may be emitted from a furnace

(*e*) prescribe the time during which smoke of such density may be emitted from a furnace,

(*f*) prescribe the period during which for the purpose of raising steam prior to leaving the port, or to moving from one part to another thereof, the furnaces of ocean going vessels shall not be held to be furnaces within the meaning of this Act,

(*g*) prescribe the altitude below which smoke may not be emitted from a furnace,

(*h*) prescribe a procedure for the giving of warning to offenders before instituting a prosecution under this Act and declare the minimum period which should be allowed to elapse in different classes of cases between the giving of such warning and the institution of a prosecution, and

(*i*) authorize the payment of a fee, not exceeding thirty two rupees to each or any member of the Commission attending a meeting of the Commission

Act 1 of 1899

(3) The date to be specified in accordance with clause (3)[1] of section 24 of the Bengal General Clauses Act 1899 as that after which a draft of rule proposed to be made under this section will be taken into consideration shall not be less than three months from the date on which the draft of the proposed rules was published for general information

(4) Any rule to be made under this Act shall before it is published for criticism under sub section (1) be referred to the Commission constituted under section 4, and the rule shall not be so published until the said Commission has reported as to the expediency of making the proposed rule and as to the suitability of its provisions

(5) All rules made under this section shall be published in the Calcutta Gazette [2]

[1] Printed at p 422
[2] Now the E B and A Gazette—see the Bengal and Assam Laws Act 1905 (7 of 1905) s. 3 and Sch D Pt I cl. VII in Vol I pp 623 625

(*Secs* 11 13)

Cognizance of offences.

11 A Magistrate may take cognizance of an offence against this Act only—

(a) upon a complaint made by, or with the written authority of, the Chief Inspector, and

(b) within a period of two months from the date of the commission of the offence

Disposal of fines

12. All fines recovered under this Act shall be disposed of in such manner as the Local Government [1] may direct

Repeal

13 The Calcutta and Howrah Smoke nuisances Act, 1863, is repealed Ben. Act 2 of 1863.

[1] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl. I in Vol I pp 623 624

E. B. AND A. ACT 1 OF 1907 [1]

[THE EASTERN BENGAL AND ASSAM LAND REGISTRATION (AMENDMENT) ACT, 1907]

[6th April, 1907.]

An Act to amend the Bengal Land Registration Act, 1876.[2]

Ben. Act 7 of 1876. WHEREAS it is expedient to amend the Bengal Land Registration Act, 1876[2]; It is hereby enacted as follows:—

Short title and commencement. 1. (1) This Act may be called the Eastern Bengal and Assam Land Registration (Amendment) Act, 1907; and

(2) It shall come into force on such date [3] as the Local Government may, by notification in the Government Gazette, appoint in this behalf.

Ben. Act 7 of 1876. Amendment of Bengal Act 7 of 1876, section 3, clauses (2) (6) and (7). 2. (1) To sub-clause (c) of clause (2) of section 3 of the Bengal Land Registration Act, 1876, the following words shall be added, namely:—

[Printed in Vol. II, p. 316.]

(2) To clause (6) of the same section the words "or as a trustee or executor" shall be added.

(3) For clause (7) of the same section the following shall be substituted, namely:—

[Printed in Vol. II, p. 317.]

Amendment of section 13. 3. (1) In section 13 of the said Act, after the word "such, where it first occurs," the following words shall be inserted, namely:—

[Printed in Vol. II, p. 321.]

(2) In the same section, after the words "to prepare" the words "or re-write or maintain" shall be inserted.

Amendment of section 15. 4. In section 15 of the said Act, for the words "and a separate alphabetical arrangement, for each local division" the following words shall be substituted, namely:—

[Printed in Vol. II, p. 322.]

New sections 19A and 19B. 5. After section 19 of the said Act, the following shall be inserted, namely:—

19A, 19B. [Printed in Vol. II, p. 324.]

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[1] LEGISLATIVE PAPERS.—For Report of Select Committee, see E. B. and A. Gazette, 1907, Pt. V, p. 14; and for Proceedings in Council, see ibid, 1906, Pt. VI, p. 9; ibid, 1907, Pt. VI, p. 20.

[2] Printed in Vol. II, p. 315.

[3] This Act came into force on the 1st August, 1907—see the E. B. and A. Gazette, 1907, Pt. II, p. 1055.

Amendment of section 24. 6. In section 24 of the said Act, for the words "alphabetical arrangement mentioned in section fifteen" the words "the arrangement directed under section fifteen" shall be substituted

Addition to sections 28 and 83 7. To section 28 and to section 83 of the said Act the following shall be added, namely —

[Printed in Vol. II, pp. 327, 344]

Amendment of section 30 8. (1) In clause (*d*) of section 30 for the words "purpose of preparing, making, or correcting any entry of the particulars specified in sections 7, 8, 10, 11, 12 or 15" shall be substituted the words "entry of matters directed to be entered in any register prescribed by this Act or by any rule or order thereunder."

Addition to section 30 (2) To section 30 of the said Act the following shall be added, namely —

(*e*) [Printed in Vol. II, p. 328.]

Amendment of section 31 9 In section 31 of the said Act after the words "any information required by the Collector" the following words shall be inserted, namely —

[Printed in Vol. II, p 328.]

Amendment of section 53 10. In section 53 of the said Act—

(*a*) after the word "Act" the words "and subject to the provisions of sections 640 and 641 of the Code of Civil Procedure" shall be inserted,

(*b*) after the word "witnesses" the words "and any applicant or his agent" shall be inserted, and

(*c*) for the words "in the case of a Civil Court" the words "in respect of witnesses" shall be substituted

New section 53A 11. After section 53 of the said Act the following shall be inserted, namely —

53A [Printed in Vol. II, p 335]

Amendment of section 64 12. (1) Before the proviso in section 64 of the Land Registration Act, 1876, the following shall be inserted, namely — Ben. Act 7 of 1876.

(3) [Printed in Vol. II, p. 337]

(2) After the said proviso the following proviso shall be inserted, namely —

[Printed in Vol II, p 337]

Addition to section 70 13 To section 70 of the said Act the following shall be added, namely —

[Printed in Vol. II, p. 340.]

New section 74A 14. After section 74 of the Land Registration Act, 1876, the following shall be inserted, namely —

74A. [Printed in Vol. II, p 341.]

Amendment of section 77 15. In section 77 of the Land Registration Act, 1876, before the word "concerned" in the second place in which it occurs the words "who is" shall be inserted

(*Sec.* 16)

16 (1) The following portions of the said Act are repealed, namely — **Repeal.**

(*a*) the second paragraph of section 5,

(*b*) in section 23 the words "and a note referring to such entry shall be made in the place in the general register in which such estate or property would have appeared according to the alphabetical arrangement mentioned in section five",

(*c*) section 25, and

(*d*) clause (*c*) of section 30

(2) When any order has been issued under any clause of section 19A of the said Act (as amended by this Act) in respect of any district the following portions of the said Act shall be deemed to be repealed in that district, namely —

clause (*e*) of section 7 and clause (*e*) of section 8

(3) When any order has been issued under clause (*a*) or clause (*b*) of the said section 19A in respect of any district, the following portions of the said Act shall be deemed to be repealed in that district, namely —

(*i*) in clause (*b*) of section 8, the words "and the number which the estate bears in Part I of the general register of revenue paying lands for its own district"

(*ii*) in clause (*a*) of section 18, the words "the number it bears on the general register of revenue paying lands", and

(*iii*) in clause (*d*) of the said section 18 the words "in each Part of the general register of revenue paying lands and"

(4) The following portions of the Bengal Land revenue Sales (Amendment) Act, 1862 [1] are hereby repealed namely — Act 3 of

(*i*) in section 3 the words and figures "sections 10 and 11" and

(*ii*) clause 1 of the Schedule

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[1] Printed in Vol II p 1

E B AND A. ACT 2 OF 1907 [1]

(THE EASTERN BENGAL AND ASSAM DISORDERLY HOUSES ACT, 1907).

[6th April, 1907.]

An Act to provide for the discontinuance of Brothels and Disorderly Houses in certain localities in Eastern Bengal and Assam.

WHEREAS it is expedient to make provision for the discontinuance of brothels and disorderly houses in certain localities in Eastern Bengal and Assam, It is hereby enacted as follows —

Short title and extent

1 (1) This Act may be called the Eastern Bengal and Assam Disorderly Houses Act, 1907,

(2) It applies to all municipalities constituted under the Bengal Municipal Acts, 1876 [2] and 1884 [3], and Bengal 5 of 1876 3 of 1884

(3) The Lieutenant-Governor may, by notification in the Government Gazette extend it to any specified local area not being a municipality

Power to summon owner, etc, of brothel

2 When any Magistrate of the first class receives information—

(a) that any house in the vicinity of any educational institution, or of any boarding house, hostel or mess used or occupied by students, is used as a brothel or for the purpose of habitual prostitution, or as a disorderly house, or

(b) that any house is used as aforesaid to the annoyance of the inhabitants of the vicinity, or

(c) that any house in the vicinity of a cantonment is used as a brothel or for the purpose of habitual prostitution,

he may summon the owner, tenant, manager, or occupier of the house to appear before him either in person or by agent to show cause why the use of such house should not be discontinued for any of the purposes or in any of the ways described in this section

Order for discontinuance

3. If the Magistrate is satisfied that the house is used as described in clause (a), clause (b), or clause (c), as the case may be, of the foregoing section he may, by written order, direct such owner, tenant, manager or occupier, within a period to be stated in such order not less than five days from the date thereof, to discontinue such use

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[1] LEGISLATIVE PAPERS —For Report of Select Committee, *see* E. B and A. Gazette, 1907, Pt. V, p. 15, and for Proceedings in Council, *see ibid*, 1906, Pt. VI, p. 9, *ibid*, 1907, Pt. VI, p. 21.

LOCAL EXTENT —This Act applies to all municipalities in Eastern Bengal and Assam constituted under the Bengal Municipal Act, 1876 (Ben. Act 5 of 1876), or the Bengal Municipal Act 1884 (Ben. Act 3 of 1884), and may be extended, by notification, to any other area in that Province—*see* s. 1 It has been so extended to mauza Kasiais in thana Patiya in the district of Chittagong —*see* Notfn No 4478 J. dated 24th October, 1907, in E. B and A Gazette, 1907 Pt II p 5052

The application of the Act is barred in the Chittagong Hill tracts by the Chittagong Hill-tracts Regulation, 1900 (1 of 1900) s. 4 (2), printed in Vol I, p. 754

[2] Printed in Vol. II, p. 217

[3] Printed *ante*, p. 30

4 If the owner, tenant, manager, or occupier, after being duly summoned, does not appear in person or by agent on the day fixed for his appearance, the Magistrate may pass an order under the foregoing section *ex parte* Failure to appear

5. Prosecutions under section 3 shall be instituted only— Initiation of proceedings.

(*a*) with the sanction or by order of the District Magistrate, or

(*b*) on the report of the Chairman of the Commissioners of the Municipality concerned in pursuance of a resolution passed by the said Commissioners at a meeting, or

(*c*) on the complaint of three or more persons occupying separate holdings and resident in the vicinity of the house to which the complaint refers.

6 If, after the period stated in an order under section 3, the house is used in any of the ways described in section 2, the person against whom the order has been passed shall be punishable with fine that may extend to twenty five rupees for every day after the expiration of that period during which the house is so used: Penalty

Provided that no fine shall be imposed on an owner if he is able to prove to the satisfaction of the Magistrate that he has taken such action as is within his power to comply with the order

7. When the use of a house in any of the ways described in section 2 has been directed by an order under section 3 to be discontinued it shall be lawful for the District Magistrate, by an order in writing, to authorize any officer, not below the rank of a Sub Inspector of Police, to enter and inspect the said house at any time after the expiration of the period specified in the order under section 3, for the purpose of satisfying himself that the order is being complied with Power to inspect house

E B. AND A. ACT 3 OF 1907. [1]

[THE EASTERN BENGAL AND ASSAM COURT OF WARDS (AMENDMENT) ACT, 1907]

[*1st June*, 1907.]

An Act to amend the Bengal Court of Wards Act, 1879.[2]

WHEREAS it is expedient to amend the Bengal Court of Wards Act, 1879, [2] Ben. Act 9 of 1879.

It is hereby enacted as follows :—

Short title

1 This Act may be called the Eastern Bengal and Assam Court of Wards (Amendment) Act, 1907

Partial repeal of section 9 of Bengal Act 9 of 1879

2. (1) In section 9 of the Bengal Court of Wards Act, 1879[2] [as amended by the Court of Wards Act (Bengal) Amendment Act, 1892,] the words, figures and letters from "And in any case in which the Court has taken charge" to the end of the section are hereby repealed Ben Act 9 of 1879 4 of 1892

(2) After section 9 the following section shall be added namely —

New section 9A

9A. [Printed in Vol II, p. 389.]

Insertion of new sections 10A to 10D

3. After section 10 of the said Bengal Court of Wards Act, 1879, the following shall be inserted, namely :— Ben Act 9 of 1879

10A to 10D. [Printed in Vol. II, pp 390,391]

Addition to section 13.

4. In section 13 of the Act after the words and figures "Act 7 of 1876" shall be inserted the words and figures "or under the Assam Land and Revenue Regulation, 1886." 1 of 1886.

Insertion of new section 13A

5. After section 13 of the said Act the following shall be inserted, namely —

13A. [Printed in Vol. II, p. 393.]

Addition to section 23

6. In section 23, clause (1) of the Act, after the words and figures "Act 7 of 1876" the following shall be inserted, namely:—

[Printed in Vol. II, p. 396.]

New section 34A

7 After section 34 of the said Act the following shall be inserted, namely —

34A. [Printed in Vol. II, p. 400.]

Partial repeal of section 56

8. The words from "or to a proprietor" to the end of section 56 of the Bengal Court of Wards Act, 1879 [as amended by the Court of Wards Act (Bengal) Amendment Act 1892] are hereby repealed Ben. Act 9 of 1879 4 of 1892.

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[1] LE[illegible] [illegible]—For Reports of Select Committee, see E. B and A. Gazette, 1907, Pt. [illegible] [illegible] Council see ibid, 1906, Pt. VI, p. 5, ibid, 1907, Pt. [illegible]
LOCAL [illegible]
of 1879) [illegible]
that Act, [illegible]
Goálpára, [illegible]
The a[illegible]
tracts Regulation, [illegible]

[2] Printed in Vol. II, p 385

9 After section 59 of the said Act the following shall be inserted, namely — Insertion of new section 59A

59A. [Printed in Vol. II, p. 407.]

Ben. Act 9 of 1879 of 1892. 10. After section 60A of the Bengal Court of Wards Act, 1879 [as amended by the Court of Wards Act (Bengal) Amendment Act, 1892,] the following shall be inserted, namely — Insertion of new section 60B

60B. [Printed in Vol. II, p. 407.]

11. Section 62 of the Bengal Court of Wards Act, 1879, is hereby repealed Repeal of section 62

12 After section 64 of the said Act the following shall be inserted, namely — New section 64A

64A [Printed in Vol II, p. 408]

13 In section 65A of the Act, after the words "be recovered" shall be inserted the words "as if it were an arrear of land-revenue or" Addition to section 65A

APPENDIX I —THE SCHEDULED DISTRICTS IN EASTERN BENGAL AND ASSAM.

A.—Explanatory Note

1. The Scheduled Districts in Eastern Bengal and Assam are —

I —The Jalpaiguri district, II —The Chittagong Hill-tracts district,	*See* Part III of Schedule I to the Scheduled Districts Act, 1874 (14 of 1874), as modified by the Amending Act, 1891 (12 of 1891) (printed in General Acts, 1868-76, Ed 1898, p 472), also Schedule B to the Bengal and Assam Laws Act 1905 (7 of 1905, printed in Vol I of this Code, p 624)
III —Assam, comprising —	
(1) the Cachar, Darrang, Garo Hills, Goálpara, Kamrup, Khási and Jaintia Hills, Lakhimpur, Naga Hills, Nowgong, Sibsagar and Sylhet districts, and	*See* Part X of Schedule I to the Scheduled Districts Act, 1874 (14 of 1874, printed in General Acts, 1868 76, Ed 1898, p 475), also Schedule A to the Bengal and Assam Laws Act, 1905 (7 of 1905, printed in Vol I of this Code, p 624).
(2) the Lushai Hills district.	As to the territories formerly known as the North Lushai Hills, *see*— (*a*) Resolution of the Secretary of State for India in Council, dated 25th September, 1895, in the Assam Local Statutory Rules and Orders, Supplement, 1901 p 191, and (*b*) the third paragraph of section 1 of the Scheduled Districts Act, 1874 (14 of 1874). As to the territories formerly known as the South Lushai Hills, *see*— (*i*) Resolution of the Secretary of State for India in Council, dated 25th September, 1895, in Gazette of India, 1895, Pt I, p 935, and (*ii*) the third paragraph of section 1 of the Scheduled Districts Act, 1874 (14 of 1874

A.—EXPLANATORY NOTE—contd.

(2) the Lushai Hills—*contd.*

The tract formerly known as Rutton Puiya's villages, including Demagri, was formerly included in the Chittagong Hill tracts, and is a Scheduled District by virtue of item II of Part III of Schedule I to the Scheduled Districts Act, 1874 (14 of 1874)

The tract which was transferred from the Cachar district by Notification No 1092P, dated 16th March, 1904, is a Scheduled District by virtue of Part X of Schedule I to the Scheduled Districts Act, 1874 (14 of 1874)

The North Lushai Hills were included in Assam by Notification No 1698E, dated 6th September, 1895 (in Gazette of India, 1895, Pt I, p 742), and the South Lushai Hills and the tract formerly known as Rutton Puiya's villages, including Demagri, by Notification No 591E B dated 1st April, 1898 (in Gazette of India 1898, Pt I p 369)

The Lushai Hills district is mentioned in Schedule A to the Bengal and Assam Laws Act 1905 (7 of 1905), printed in Vol I of this Code, p 624

EASTERN BENGAL

2 The Scheduled Districts Act, 1874, has been brought into force in the Jalpaiguri District, and many enactments have been notified for it under section 3 or section 5 of the Act—*see* pp 482 to 511 *post*

3 The Chittagong Hill tracts district is only nominally a Scheduled District, the Scheduled Districts Act, 1874, never having been brought into force in it. The district is de regulationized, and a Table showing enactments in force in it will be found on pages 631 to 637 *post*

A.—EXPLANATORY NOTE—*contd.*

ASSAM.

4 The Scheduled Districts Act, 1874, has been brought into force in all districts of Assam, and many enactments have been notified for them under section 3 or section 5 of the Act—*see* pages 512 to 626, *post* Certain areas in Assam are to a certain extent de regulationized these are noted in Appendix II, Table C, *post*, p 638, and a list of the enactments which have been barred therein by notification will be found in Appendix II, Table D, *post*, pp 639 to 641

CHRONOLOGICAL TABLES.

5 Tables 1 and 2, *post*, pp 482 to 623, show all enactments which have been declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by notification under the Scheduled Districts Act, 1874. These Tables must not be taken to contain a complete list of all the enactments in force in these territories, for—

(1) some enactments have been brought into force in Scheduled Districts by notifications issued under Acts other than the Scheduled Districts Act, and

(2) many enactments are in force in Scheduled Districts *proprio vigore*

The rule generally followed in framing notifications under clause (*a*) of section 3 of the Scheduled Districts Act has been to include in them those enactments only whose application was for some reason open to doubt In some cases (*see e g*, paragraph 2 of Notification No 308, dated the 3rd March, 1881, *post*, page 482), an express clause has been inserted in such notifications, declaring that nothing contained in the notification shall be deemed to affect the operation of enactments not mentioned in it, but this course has not been followed in all cases.

6 Columns 5 and 6 of Tables 1 and 2, *post*, pp 482 to 623, show all limitations on the application of the various enactments entered in the Tables which are specifically mentioned in the notifications When an enactment is declared in force in, or extended to, any place by notification, it is to be taken as having been declared in force or extended as textually altered by subsequent legislation (if any) up to the date of the notification This is sometimes, but not always, expressed in the notifications themselves, but, whether expressed or not, the repeals and amendments are not noted in detail in columns 5 and 6 of the Tables except where they are detailed in the notifications Nor does column 6 show repeals and amendments made after the issue of the notifications.

Repeals and amendments can be traced by referring to the Chronological Tables prefixed to Vol I of this Code or (in the case of General Acts) to Table II of the "Chronological Tables of the Indian Statutes" published by the Legislative Department of the Government of India in 1901.

A.—EXPLANATORY NOTE—*concld.*

7 Table C, *post*, p 624, shows all enactments which have been declared, by notification under clause (*b*) of section 3 of the Scheduled Districts Act, 1874, to be not actually in force in Assam or parts thereof

8 Table D, *post*, p 627, shows what scheduled districts in Assam are administered under rules made under section 6 of the Scheduled Districts Act, 1874

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE IN, OR EXTENDED TO, SCHEDULED DISTRICTS IN EASTERN BENGAL AND ASSAM BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (14 OF 1874). [1]

1.—The Jalpaiguri District.

1	2	3	4	5	6	7
Year	No	Short title [2] or subject.	Places in or to which declared in force o. extended	Extent to which declared in force or extended.	Restrictions and modifications [3]	Notification
			(1)—*Bengal Regulations.*			
1793	1[4]	The Bengal Permanent *Settlement Regulation,* 1793	Declared in force in *that portion of the* Jalpaiguri District which was formerly the Jalpaiguri Sub Division and now forms the western portion of the district of Jalpaiguri and extends as far east as the Teesta river [5]	The extent to which it was, *on the 3rd March,* 1881, in force in any part of Bengal not included in any Scheduled District, and had not been repealed by any enactment extending to the Jalpaiguri District		*The 3rd March,* 1881 *No* 308.—*In exercise of the power conferred* by section 3 of Act 14 of 1874 (the Scheduled Districts Act, 1874), His Honour the Lieutenant Governor of Bengal is pleased, with the previous sanction of the Governor General in Council, to declare that the enactments mentioned in the Schedules hereto annexed are in force in the portions of the Districts of Jalpaiguri [*and Darjeeling*] [6] (called in Act 14 of 1874 the Jalpaiguri and Darjeeling Divisions) to which the said Schedules respectively realte, to the extent to which they are now in force in any part of Bengal not included in any Scheduled District and have not been repealed by any enactment extending to the Jalpaiguri [*and Darjeeling*] [6] Districts 2. Nothing herein contained shall be deemed to affect the operation of any enactment in force in the Jalpaiguri [*and Darjeeling*] [6] Districts and not mentioned in the said Schedules

						(Here follow the Schedules, which contain, among other enactments, *Bengal Regulation* I of 1793) [*See* Gazette of India, 1881, Pt. I, p 74; Calcutta Gazette, 1881, Pt. IA, p. 68] *The 25th May* 1881 *No* 696 —The following *errata* in the notifications of the Government of India, Home, Revenue and Agricultural Departments, Nos 308 [7] and 309 [8], dated the 3rd March, 1881, published in the Gazette of India of the 5th idem, Part I, are published for general information.— for the word *Juldhoka*, in the beginning of Schedule II of the Notification No 308, substitute the word *Sunkos*, for the word *Juldhoka*, in the concluding part of the Notification No 309, substitute the word *Sunkos* [*See* Gazette of India, 1881, Pt I, p 213; Calcutta Gazette, 1881, Pt IA, p 107]
"	2[4]	The Bengal Land revenue Regulation, 1793	Ditto	Ditto . . .	..	*See* Notfn. No 308, dated 3rd March, 1881, *ante*, p 482
"	8[4]	The Bengal Decennial Settlement Regulation, 1793	Ditto	Ditto .	..	Ditto
"	11[4]	The Bengal Inheritance Regulation, 1793	Ditto	Ditto .		Ditto

[1] Printed in General Acts, 1868 76, Ed 1898 p 467

[2] For the enactments by which several of these short titles were given, *see* col 4 of the Chronological Tables prefixed to Vol. I of this Code, and in the case of enactments not printed in this Code) the footnotes to the "Chronological Tables of the Indian Statutes," Ed. 1901

[3] Power to make "restrictions" and "modifications" is now given by s 5A, which was inserted in the Scheduled Districts Act, 1874, by the Amending Act, 1891 (12 of 1891)

[4] Printed in Vol. I of this Code

[5] This tract is hereinafter called "West Jalpaiguri."

[6] The Darjeeling district is part of the present Province of Bengal

[7] Printed *ante*, p 482

[8] Printed *post*

B – Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd.

1. THE JALPAIGURI DISTRICT—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject.	Places in or to which declared in force or extended	Extent to which declared in force or extended.	Restrictions and modifications.	Notification
		(1)—*Bengal Regulations*—contd				
1793	19[1]	The Bengal Revenue free Lands (Non Badshahi Grants) Regulation, 1793	Declared in force in West Jalpaiguri	The extent to which it was *on the* 3rd March, 1881, in force in any part of Bengal not included in any Scheduled District, and had not been repealed by any enactment extending to *the Jalpaiguri District.*		*See* Notfn No 308, dated 3rd March 1881, *ante*, p 482
"	37[1]	The Bengal Revenue free Lands (Badshahi Grants) Regulation, 1793	Ditto ditto	Ditto . .		Ditto
"	38[1]	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793	Declared in force in West Jalpaiguri and that portion of the Jalpaiguri District known as the Western Duárs that is, the country lying between the Teesta and Sunkos [2] rivers in the Jalpaiguri District.	Ditto . .		Ditto
1794	3[1]	The Bengal Native Revenue Officers Regulation, 1794	Declared in force in West Jalpaiguri	Ditto . .	.	*Ditto*

1798	1 [3]	*The Bengal Land (Conditional Sales) Regulation 1798*	*Ditto*	*Ditto*	-	*Ditto*
1799	5[1]	The Bengal Wills and Intestacy Regulation 1799	Ditto	Ditto		Ditto
1800	8[1]	The Bengal Revenue free Lands Regulation 1800	Ditto	Ditto		Ditto
1801	1[1]	The Bengal Land revenue Assessment Regulation 1801	Ditto	Ditto		Ditto
1804	10[1]	The Bengal State offences Regulation 1804	Declared in force in West Jalpaiguri and the Western Duárs	Ditto		Ditto
1806	11[1]	The Bengal Troops Transport and Travellers Assistance Regulation 1806	Ditto	Ditto		Ditto
	17[4]	*The Bengal Land Redemption and Foreclosure Regulation 1806*	*Declared in force in West Jalpaiguri*	*Ditto*		*Ditto*
1810	19[1]	The Bengal Charitable Endowments Public Buildings and Escheats Regulation 1810	Ditto	Ditto		Ditto
	20[4]	*Military Bazars*	*Declared in force in West Jalpaiguri and the Western Duars*	*Ditto*		*Ditto*
1812	5[1]	The Bengal Land revenue Sales Regulation 1812	Declared in force in West Jalpaiguri	Ditto		Ditto

[1] Printed in Vol I of this Code
[2] The word Sunkos was substituted for Juldhoka by Notification No 69C dated 25th May 1881, printed *ante*, p 483
[3] Ben. Regs 1 of 1798 and 17 of 1806 have been repealed by the Transfer of Property Act 1882 (4 of 1882) which extends to the Jalpaiguri District
[4] Ben. Reg 20 of 1810 has been repealed by the Cantonments Act 1889 (13 of 1889) which extends to the Jalpaiguri District.

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—*contd.*

1.—THE JALPAIGURI DISTRICT—*contd.*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications.	Notification
		(1).—*Bengal Regulations*—contd.				
1812	11[1]	The Bengal Foreign Immigrants Regulation, 1812	Declared in force in West Jalpaiguri.	The extent to which it was on the 3rd March 1881 in force in any part of Bengal not included in any Scheduled District, and had not been repealed by any enactment extending to the Jalpaiguri District		See Notfn. No. 308, dated 3rd March 1881, *ante*, p. 482
1817	20[2]	*The Bengal Police Regulation, 1817*	*Declared in force in West Jalpaiguri and the Western Duárs*	*Ditto*		*Ditto*
1818	3[1]	The Bengal State Prisoners' Regulation, 1818	Ditto	Ditto		Ditto
1819	2[1]	The Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1819	Declared in force in West Jalpaiguri	Ditto		Ditto
„	6[3]	*Ferries*	*Ditto*	*Ditto*		*Ditto*
1821	4[1]	The Bengal Land-revenue (Assistant Collectors) Regulation, 1821	Ditto	Ditto		Ditto

1822	3 [1]	The Bengal Board of Revenue *Regulation*, 1822.	Ditto	Ditto	..	Ditto
"	11[1]	The Bengal Government Indemnity Regulation, 1822	Ditto	Ditto	..	Ditto
1823	6[1]	The Bengal Indigo Contracts Regulation, 1823	Ditto	*Ditto*	.	Ditto
.	7[1]	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823	Declared in force in West Jalpaiguri *and the Western Duars*	Ditto		Ditto
1825	6[1]	The Bengal Troops Transport *Regulation*, 1825	Ditto	Ditto		Ditto
.	9[1]	The Bengal Land revenue Settlement Regulation 1825	Declared in force in West Jalpaiguri	Ditto		Ditto
"	11[1]	The Bengal Alluvion and Diluvion Regulation 1825	Ditto	Ditto		Ditto
"	13[1]	The Bengal Land revenue settlement (*Resumed* Kánungos' and Revenue *free Lands*) *Regulation*, 1825	Ditto	Ditto	-	Ditto
.	14[1]	The Bengal Revenue free Lands Regulation, 1825	Ditto	Ditto	—	Ditto
"	20[4]	*Courts Martial and Military Courts of Requests*	Ditto	Ditto	.	Ditto

[1] Printed in Vol I of this Code
[2] Ben. Reg 20 of 1817 is obsolete in Eastern Bengal.
[3] Ben Reg 6 of 1819 has been repealed by the Bengal Ferries Act, 1885 (Ben Act 1 of 1885), which extends to the Jalpaiguri District
[4] Ben. Reg 20 of 1825 was repealed by the Code of Criminal Procedure, 1882 (Act 10 of 1882), which extended to the Jalpaiguri District.

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Schduled Districts Act, 1874 (14 *of* 1874)—contd

1.—THE JALPAIGURI DISTRICT—*contd*

(1) —*Bengal Regulations*—concld.

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force o extended	Restrictions and modifications	Notification.
1827	3 (1)	The Bengal Corruption and Extortion Regulation 1827	Declared in force in West Jalpaiguri	The extent to which it was on the 3rd March 1881, in force in any part of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the Jalpaiguri District		*See* Notfn No 308 dated 3rd March 1881 *ante*, p 482
"	5 (1)	The Bengal Attached Estates Management Regulation 1827	Ditto	Ditto		Ditto
1828	3 (1)	The Bengal Land revenue Assessment (Resumed Lands) Regulation 1828	Ditto	Ditto		Ditto
"	4 (1)	The Bengal Land revenue Settlement Regulation 1828	Ditto	Ditto		Ditto
1829	1 (1)	The Bengal Revenue Commissioners Regulation, 1829.	Ditto	Ditto		Ditto

"	17 [1]	The Bengal Sati Regulation 1829	Declared in *force in* West Jalpaiguri and the Western Duárs	Ditto		Ditto
1830	5 [1]	The Bengal Indigo Contracts Regulation 1830	Declared in force in West Jalpaiguri	Ditto		Ditto

(2) —*Acts of the Governor General of India in Council*

1836	10 [1]	The Bengal Indigo Contracts Act 1836	Declared in force in West Jalpaiguri	*The extent to which it was, on the 3rd March* 1881 in force in any part of Bengal not included in any Scheduled District and had not been repealed by any enactment extending *to the* Jalpaiguri District		*See* Notfn No 308, dated 3rd March 1881, *ante* p. 482
	21 [1]	The Bengal Districts Act 1836	Declared in force in West Jalpaiguri and the Western Duars	Ditto		Ditto
	26 [2]	*Governor General's Camp Police*	*Declared in force in West Jalpaiguri*	*Ditto*		*Ditto*
1837	4 [3]	The Property in Land Act	Ditto	Ditto		Ditto
1838	25 [3]	The Wills Act 1838	Ditto	Ditto		Ditto
1839	29 [3]	*The Dower Act* 1839	Ditto	Ditto		Ditto
	30 [3]	The Inheritance Act 1839	Ditto	Ditto		Ditto.
	32 [3]	The Interest Act, 1839	Declared in force in West Jalpaiguri and the Western Duárs	Ditto .		Ditto
1840	6 [4]	*Bills of Exchange*	*Declared in force in West Jalpaiguri* .	Ditto .		Ditto

[1] Printed in Vol I of this Code
[2] *Act 26 of 1836 has been repealed by the* Repealing and Amending Act 1891 (12 of 1891) which extends to the Jalpaiguri District
[3] Printed in General Acts 1834 (7 Ed 1898.
[4] Act 6 of 1840 has been repealed by the Negotiable Instruments Act 1881 (26 of 1881) which extends to the Jalpaiguri District

B—Chronological Tables of Enactments declared in force in, or extended to Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act 1874 (14 *of* 1874)—contd

1—THE JALPAIGURI DISTRICT—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(2)—*Acts of the Governor General of India in Council*—contd				
1841	11 [1]	*Military Courts of Requests*	*Declared in force in West Jalpaiguri and the Western Duars*	*The extent to which it was on the 3rd March 1881 in force in any part of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the Jalpaiguri District*		*See* Notfn No 308 dated 3rd March 1881 *ante* p 482
	12 [2]	The Bengal Land Revenue Sales Act 1841	Declared in force in West Jalpaiguri	Ditto		Ditto
	10 [3]	The Succession (Property Protection) Act, 1841	Ditto	Ditto		Ditto
1842	9 [4]	*Lease and Release*	*Ditto*	*Ditto*		*Ditto*
	12 [1]	*Military Bazars*	*Declared in force in West Jalpaiguri and the Western Duars*	*Ditto*		*Ditto*
1843	5 [3]	The Indian Slavery Act, 1843	Ditto	Ditto		Ditto

1847	9 [2]	The Bengal Alluvion and Diluvion Act, 1847	Declared in force in West Jalpaiguri.	Ditto			Ditto
"	20 [3]	The Indian Copyright Act 1847	Ditto	Ditto			Ditto
1848	20 [2]	The Bengal Landholders' *Attendance Act*, 1848.	Ditto	Ditto			*Ditto*
1850	12 [3]	The Public Accountants' Defaults Act, 1850	Ditto	Ditto			Ditto
"	18 [3]	The Judicial-officers' Protection Act, 1850	Ditto	Ditto			Ditto
"	19 [3]	The Apprentices Act, 1850	Ditto	*Ditto*			Ditto
	21 [3]	The Caste Disabilities Removal Act, 1850	Ditto	Ditto			Ditto
"	34 [3]	The State Prisoners Act 1850	Declared in force in West Jalpaiguri and the Western Duars	Ditto .			Ditto.
	37 [3]	The Public Servants (Inquiries) *Act* 1850	Declared in force in West Jalpaiguri	Ditto			Ditto
"	44 [2]	Tho Bengal Board of Revenue Act, 1850	Ditto	Ditto			Ditto
1852	30 [3]	The Indian Naturalization Act, 1852	Ditto	Ditto			Ditto
	33 [1]	*Enforcement of Judgments*	*Declared in force in West Jalpaiguri and the Western Duars*	*Ditto* .			*Ditto*

[1] Acts II of 1841, 12 of 1842 and 33 of 1852 were repealed by Act 8 of 1887, which extended to the Jalpaiguri District
[2] Printed in Vol I of this Code
[3] Printed in General Acts, 1834 67 Ed 1898
[4] Act 9 of 1842 has been repealed by the Repealing and Amending Act, 1891 (12 of 1891), which extends to the Jalpaiguri District

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1871 (14 of 1871)—contd.

1.—THE JALPAIGURI DISTRICT—*contd.*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications.	Notification
		(2).—*Acts of the Governor General of India in Council*—contd.				
1853	2 [1]	The Landholders Public Charges and Duties Act, 1853	Declared in force in West Jalpaiguri	The extent to which it was, on the 3rd March, 1881, in force in any part of Bengal not included in any Scheduled District, and had not been repealed by any enactment extending to the Jalpaiguri District		*See* Notin No 308, dated 3rd March, 1881, *ante*, p 462.
,,	19 [2]	*The Recusant Witnesses Act*, 1853.	*Declared in force in West Jalpaiguri and the Western Duars*	*Ditto* .	.	*Ditto*
1854	31 [1]	The Conveyance of Land Act, 1854	Declared in force in West Jalpaiguri.	Ditto . .		Ditto.
1855	11 [1]	The Mesne Profits and Improvements Act, 1855	Ditto . .	Ditto .	..	Ditto
,,	12 [1]	The Legal Representatives' Suits Act, 1855	Ditto . . .	Ditto	.	Ditto
,,	13 [1]	The Indian Fatal Accidents Act, 1855.	Ditto	Ditto .	..	Ditto.

"	23 [1]	The Mortgaged Estates Administration Act, 1855	Ditto	Ditto . . .	...	Ditto.
"	24 [1]	The Penal Servitude Act, 1855	Declared in force in West Jalpaiguri and the Western Duárs	Ditto . . .	..	*Ditto.*
"	25 [1]	The Usury Laws Repeal Act, 1855	Ditto	Ditto . .	.	Ditto.
1856	9 [1]	The Indian Bills of Lading Act, 1856	Declared in force in West Jalpaiguri	Ditto . .	.	Ditto.
"	11 [1]	The European Deserters' Act, 1856	Ditto	Ditto . . .	..	Ditto.
"	12 [3]	*The Civil Court Amins Act*, 1856	*Declared in force in West Jalpaiguri and the Western Duars*	*Ditto* . . .		*Ditto*
"	15 [1]	The Hindu Widows Remarriage Act, 1856	Declared in force in West Jalpaiguri	Ditto . . .		Ditto.
"	20 [4]	*The Bengal Chaukidari Act* 1856	*Ditto*	*Ditto* . . .		*Ditto*
1857	11 [1]	The State Offences Act, 1857	Declared in force in West Jalpaiguri and the Western Duars	Ditto . .	..	Ditto.
"	13 [5]	The Opium Act, 1857 .	Declared in force in West Jalpaiguri	Ditto . . .	...	Ditto

[1] Printed in General Acts, 1834 67, Ed 1898
[2] Act 19 of 1853 has been repealed by the Repealing and Amending Act, 1903 (1 of 1903), which extends to the Jalpaiguri District
[3] Act 12 of 1856 has been repealed by the Bengal Civil Court Amins Act, 1899 (Ben Act 2 of 1899), which extends to the Jalpaiguri District
[4] Act 20 of 1856 was repealed by the Bengal Municipal Act, 1876 (Ben. Act 5 of 1876) and is not now in force in West Jalpaiguri. The declaration noted above was made long after the passing of the latter Act
[5] Printed in Vol I of this Code

B —Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd

1. THE JALPAIGURI DISTRICT—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject.	Places in or to which declared in force or extended	Extent to which declared in force or extended.	Restrictions and modifications.	Notification.
		(2) —Acts of the Governor General of India in Council—contd				
1857	25 (1)	The Forfeiture Act 1857	Declared in force in West Jalpaiguri and the Western Duárs	The extent to which it was on the 3rd March 1881, in force in any part of Bengal not included in any Scheduled District, and had not been repealed by any enactment extending to the Jalpaiguri District		*See* Notfn No 308 dated 3rd March 1881 *ante*, p 482
1858	3 (1)	The State Prisoners Act, 1858.	Ditto	Ditto		Ditto
"	31 (2)	The Bengal Alluvial Land Settlement Act, 1858	Declared in force in West Jalpaiguri	Ditto		Ditto
"	35 (1)	The Lunacy (District Courts) Act, 1858	Declared in force in West Jalpaiguri and the Western Duárs.	Ditto		Ditto

1859	36 [1]	The Indian Lunatic Asylums Act 1858	Ditto	Ditto		Ditto
	40 [3]	*Minors*	*Declared in force in West Jalpaiguri*	*Ditto*		*Ditto*
	3 [4]	*Cantonment Joint Magistrates*	*Ditto*	*Ditto*		*Ditto*
	9 [4]	The Forfeiture Act 1859	Ditto	*Ditto*		Ditto
"	10	*The Bengal Rent Act 1859*	*Extended to the Western Duars*	*The whole*		*The 25th October 1895* [5] No 805 J D —*In exercise of the power conferred by section 5 of the Scheduled Districts Act (14 of 1874) the Lieutenant Governor of Bengal is pleased with the previous sanction of the Governor General in Council to extend Act 10 of 1859 (an Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal) and Act 6 (B C) of 1862 (an Act to amend Act 10 of 1859) to that portion of the Jalpaiguri district known as the Western Duars.* [See *Gazette of India* 1895 *Pt I p* 911 *Calcutta Gazette* 1895 *Pt I p* 1067]
"	11 [2]	The Bengal Land revenue Sales Act, 1859	Declared in force in West Jalpaiguri.	The extent to which it was, on the 3rd March 1881 in force in any part of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the Jalpaiguri District		*See* Notfn. No 305 dated 3rd March 1881 *and* p. 482.

1 Printed in General Acts, 1834-67 Ed. 1898.
2) Printed in Vol I of this Code
3) Act 40 of 1858 has been repealed by the Guardians and Wards Act 1890 (8 of 1890) which extends to the Jalpaiguri District
(4) Act 3 of 1859 was repealed by Act 8 of 1887 which extended to the Jalpaiguri District
(5) This notification is superseded by Notification No 964 dated 7th November 1898 [illegible] extending [illegible] Western Duars [illegible] Bengal Tenancy Act 1885 which repeals Act 10 of 1859 and Bengal Act 6 of 1862

B—Chronological Tables of Enactments declared in force in, or extended to Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd

1.—The Jalpaiguri District—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(2)—*Acts of the Governor General of India in Council*—contd			
1859	11 [1]	The Bengal Land revenue Sales Act 1859—*contd*	Extended to the Western Duárs	The whole		*The 3rd March* 1881 *No* 309—In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act 1874) His Honour the Lieutenant Governor of Bengal is pleased, with the previous sanction of the Governor General in Council to extend Act 11 of 1859 (*to improve the law relating to sales of land for arrears of revenue in the Lower Provinces under the Bengal Presidency*) and Bengal Acts 3 *of* 186 (*an Act to amend Act* 11 *of* 1859) *and* 7 of 1868 (*to make further provision for the recovery of arrears of land revenue and public demands recoverable as arrears of land revenue*) [*to the Darjeeling District and*] [2] to that portion of the Jalpaiguri District known as the Western Duárs that is the country lying between the Teesta and Sunkos [3] rivers [*See* Gazette of India, 1881 Pt I p 77 Calcutta Gazette, 1881, Pt IA p 71

"	15 [4]	*Patents* . . .	*Declared in force in West Jalpaiguri*	*The extent to which it was, on the 3rd March, 1881, in force in any part of Bengal not included in any Scheduled District, and had not been repealed by any enactment extending to the Jalpaiguri District*	..	See *Not/n No.* 308, *dated 3rd March,* 1881, *ante, p* 482
1860	21 [5]	The Societies Registration Act, 1860.	Ditto .	Ditto . . .	..	Ditto.
"	27 [6]	*Collection of Debts on Successions*	*Ditto* .	*Ditto* . .	..	*Ditto*
1861	9 [7]	*Minors* .	*Ditto*	*Ditto* .	..	*Ditto*
1862	3 [5]	The Government Seal Act, 1862	Declared in force in West Jalpaiguri and the Western Duárs	Ditto .	..	Ditto
1863	10 [5]	The Excise (Spirits) Act, 1863	Declared in force in West Jalpaiguri	Ditto . .	..	Ditto
"	23 [5]	The Waste lands (Claims) Act, 1863	Ditto	Ditto . .	..	Ditto

[1] Printed in Vol. I of this Code
[2] The Darjeeling District is part of the present Province of Bengal.
[3] The word "Sunkos" has been substituted for "Juldhoka" in accordance with Notification No 696, dated the 25th May, 1881, printed *ante*, p 483
[4] Act 15 of 1859 has been repealed by the Inventions and Designs Act, 1888 (5 of 1888), which extends to the Jalpaiguri District
[5] Printed in General Acts, 1834 67, Ed 1898
[6] Act 27 of 1860 has been repealed by the Succession Certificates Act 1889 (7 of 1889), which extends to the Jalpaiguri District
[7] Act 9 of 1861 has been repealed by the Guardians and Wards Act, 1890 (8 of 1890), which extends to the Jalpaiguri District

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd.

I.—THE JALPAIGURI DISTRICT—*contd.*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended.	Restrictions and modifications	Notification
		***(2).—Acts of the Governor General of India in Council*—contd.**				
1863	23[1]	The Waste lands (Claims) Act, 1863—*concld.*	Extended to the Western Duárs	The whole Act (as amended by Act 9 of 1871)		*The 14th September 1875.* It is hereby notified that under the provisions of section 5 of Act 14 of 1874 (the Scheduled Districts Act) the Lieutenant Governor, with the sanction of the Governor General in Council is pleased to extend Act 23 of 1863 (*an Act to provide for the adjudication of claims to waste lands*) as amended by the Indian Limitation Act 1871 to that portion of the Jalpaiguri [*and Darjeeling*] [2] Divisions [3] known as the Western Duárs. [See Gazette of India, 1875, Pt I, p. 497, Calcutta Gazette, 1875, Pt I, p. 1148.]
"	31 [1]	The Official Gazettes Act, 1863.	Declared in force in West Jalpaiguri and the Western Duárs.	The extent to which it was on the 3rd March 1881, in force in any part of Bengal not included in any Scheduled District, and had not been repealed by any enactment extending to the Jalpaiguri District.		See Notfn. No. 308, dated 3rd March 1881, *ante*, p. 482.
1864	3[1]	The Foreigners Act, 1864	Ditto	Ditto		Ditto
"	6[1]	The Whipping Act, 1864	Ditto	Ditto		Ditto

1865	3[1]	The Carriers Act 1865	Declared in force in West Jalpaiguri	Ditto			Ditto
	11[4]	*Mafassal Small Cause Courts*	*Declared in force in West Jalpaiguri and the Western Duars*	*Ditto*			*Ditto*
	15 [1]	The Parsi Marriage and Divorce Act 1865	Declared in force in West Jalpaiguri	Ditto			Ditto
	21 [1]	The Parsi Intestate Succession Act 1865	Ditto	Ditto			Ditto
1866	5 [5]	*Bills of Exchange Commercial Law*	*Ditto*	*Ditto*			*Ditto*
	10 [6]	*The Indian Companies Act* 1866.	*Declared in force in West Jalpaiguri and the Western Duars*	*Ditto*			*Ditto*
"	21 [3]	The Native Converts Marriage Dissolution Act, 1866	Declared in force in West Jalpaiguri	Ditto			Ditto

[1] Printed in General Acts 1834—67 Ed 1898
[2] The Darjeeling District is part of the present Province of Bengal
[3] *Sic. Read* Districts
[4] Act II of 1865 has been repealed by the Provincial Small Cause Courts Act 1887 (9 of 1887) which extends to the Jalpaiguri District
[5] Act 5 of 1866 has been repealed by the Transfer of Property Act 1900 (2 of 1900) which extends to the Jalpaiguri District
[6] Act 10 of 1866 has been repealed by the Indian Companies Act 1882 (6 of 1882) which extends to the Jalpaiguri District

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd.

1. The Jalpaiguri District—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications	Notification.
		(2).—Acts of the Governor General of India in Council—contd.				
1866	28[1]	The Trustees and Mortgages' Powers Act, 1866	Declared in force in West Jalpaiguri	The extent to which it was, on the 3rd March, 1881, in force in any part of Bengal not included in any Scheduled District, and had not been repealed by any enactment extending to the Jalpaiguri District		*See* Notification No 308, dated 3rd March 1881, *ante*, p 482
1867	25[1]	The Press and Registration of Books Act, 1867	Ditto	Ditto		Ditto
1869	15[2]	*The Prisoners' Testimony Act*, 1869	*Declared in force in West Jalpaiguri and the Western Duars*	*Ditto*	•	*Ditto*

1874	14[3]	The Scheduled Districts Act, 1874	Declared in force in the Western *Duárs*	The whole		*The 14th September*, 1875 In exercise of the powers conferred by the Scheduled Districts Act, 1874, section 3, the Lieutenant Governor, with the previous sanction of the Governor General in Council, is pleased to declare that the said Act is in force in that part of the Jalpaiguri [*and Darjeeling*] [4] Divisions [5] being one of the Scheduled Districts of the Lower Provinces of Bengal, known as the Western Duárs [*See* Gazette of India, *1875, Pt I*, p 497, Calcutta Gazette, 1875, Pt I, p 1148
"	"	Ditto	Declared in force in the Jalpaiguri District (except the Western Duars)	Ditto		*The 5th November*, 1877 In exercise of the power conferred by section 3, Act 14 of 1874 (the Scheduled Districts Act), the Lieutenant Governor is pleased, with the previous sanction of the Governor General in Council to declare that the said Act is in force in the whole of the Scheduled District designated in Part III, Schedule I of the Act as the Jalpaiguri [*and Darjeeling*] [4] Divisions, [5] with the exception of the portion known as the Western Duars, to which Act 14 of 1874 has already been extended by Notification of the 14th September, 1875, published in the Calcutta Gazette of the 5th *idem* [*See* Calcutta Gazette, 1877, Pt I, p 1623, Gazette of India, Extraordinary, 14th November, 1877]

[1] Printed in General Acts, 1834 67, Ed 1898
[2] Act 15 of 1869 has been repealed by the Prisoners Act, 1900 (3 of 1900), which extends to the Jalpaiguri District
[3] Printed in General Acts 1868 76, Ed 1898 p 467
[4] The Darjeeling District is part of the present Province of Bengal
[5] *Sic Read* Districts.

B—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd

1.—THE JALPAIGURI DISTRICT—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended.	Restrictions and modifications	Notification
		(2)—Acts of the Governor General of India in Council—contd				
1877	1[1]	The Specific Relief Act 1877	Extended to West Jalpaiguri	The whole		*The 14th December*, 1882 *No* 1778—In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act, 1874) His Honour the Lieutenant Governor of Bengal is pleased with the previous sanction of the Governor General in Council to extend Act 1 of 1877 (the Specific Relief Act) to that portion of the Jalpaiguri Division [2] which was formerly the Jalpaiguri sub-division and now forms the western portion of the district of Jalpaiguri and extends as far east as the Teesta River [*See* Gazette of India 1882, Pt I, p 511, Calcutta Gazette 1882 Pt IA, p 271]
"	"	Ditto	Extended to the Western Duárs.	Ditto		*The 20th January*, 1896 *No* 388 *J*—In exercise of the power conferred by section 5 of the Scheduled Districts Act (14 of 1874), and with the previous sanction of the Governor General in Council, the Lieutenant Governor is pleased to extend the Specific Relief Act

						(1 of 1877) *and Bengal Act 8, 1879* [3] *(an Act to define and limit the powers of Settlement Officers)*, to that portion of the Jalpaiguri district known as the Western Duárs [*See* Gazette of India, 1896, Pt I, p 44, Calcutta Gazette, 1896, Pt I, p 97]
"	10	*The Code of Civil Procedure*	*Extended to the Jalpaiguri District*	Ditto		*The 5th November, 1877* [4]*No 1664 B —In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act), His Honour the Lieutenant Governor of Bengal is pleased, with the previous sanction of the Governor General in Council, to extend Act 10 of 1877 (the Code of Civil Procedure) to the—* *Districts of [Darjeeling]* [5] *and Jalpaiguri (called in Act 14 of 1874 the Jalpaiguri and Darjeeling Divisions)* [*District of Hazaribagh* " *of Lohardaga.* [6] " *of Manbhum* *Pargana Dalbhum in Singhbhum* *Mahals of Angul and* [7] *Banki*] [5] [*See Gazette of India, Extraordinary, 14th November, 1877. Calcutta Gazette, 1877, Pt I, pp* 1622 23]

[1] Printed in General Acts, 1877 81, Ed 1898, p 5

[2] *Sic Read* District.

[3] Ben. Act 8 of 1879 is repealed by the Bengal Tenancy Act, 1885 (8 of 1885), which is in force in the Jalpaiguri District—*see post*, pp 505 to 507

[4] *This Notification has been superseded by* Notification No 762, dated the 1st June (1882, *post*, p 505), which extends Act 14 of 1882 to the Jalpaiguri District.

[5] These places are part of the present Province of Bengal

[6] The former district of Lohardaga is now divided into the districts of Ranchi and Palamau—*see* Notifications dated the 9th January, 1899 and the 30th October, 1891, in *Bengal Code* 1905 Vol V, p 86

[7] The Mahal of Bánki has been annexed to the district of Cuttack, and ceased to be a portion of a Scheduled District from the 1st April, 1882—see the Bánki Laws Act, 1881 (25 of 1881), s 4, in Bengal Code, 1905, Vol II, p. 620

B. *Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)*—contd

1.—THE JALPAIGURI DISTRICT—*contd.*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(2).—*Acts of the Governor General of India in Council*—contd.			
1879	12	*Amendment of the Code of Civil Procedure, 1877*	*Extended to the Jalpaiguri District*	*So much as amends the Code of Civil Procedure of 1877*		*The 1st December, 1880* (1)No 1259 —*In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act, 1874) His Honour the Lieutenant Governor of Bengal is pleased, with the previous sanction of the President in Council to extend Act 12 of 1879 (an Act to amend the Code of Civil Procedure, the Registration Act, 1877, and the Limitation Act, 1877), except so much as amends the Indian Registration Act, 1877, and the Indian Limitation Act, 1877, which is already in force to the—* *Districts of [Darjeeling] [2] and Jalpaiguri (called in Act 14 of 1874 the Darjeeling and Jalpaiguri Divisions).* *[District of Hazaribagh,* *" of Lohardaga,* [3] *" of Manbhum,* *Pargana Dhalbhum in Singhbhum, and Mahals of Angul and* [4] *Banki]* [2] [*See Gazette of India 1880, Pt I, p 677, Calcutta Gazette 8th December, 1880, Pt IA*]

1882	14[5]	The Code of Civil Procedure	Ditto .	The whole Act, except sections 1 and 3, which were already in force	..	*The 1st June, 1882* No 762.—In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act, 1874), His Honour the Lieutenant Governor of Bengal is pleased, with the previous sanction of the Governor General in Council, to extend Act 14 of 1882 (*an Act to consolidate and amend the laws relating to the Procedure of the Courts of Civil Judicature*), except sections 1 and 3 of the said Act, which are already in force, to the— Districts of [*Darjeeling*] [2] and Jalpaiguri (called in Act 14 of 1874, the Darjeeling and Jalpaiguri Divisions); (*District of Hazaribagh*; *District of Lohardaga* [3], *District of Manbhum*, *Pargana of Dhalbhum, in Singhbhum; and Mahal of Banki*] [4] [*See Gazette of India*, 1882, Pt. I, p 218, Calcutta Gazette, 1882, Pt IA]
1885	8[6]	The Bengal Tenancy Act, 1885	Extended to the Jalpaiguri District, except the Western Duars.	The whole Act except the following portions, namely — sub-sections (2) and (3) of section 1 the words in the territories to which		*The 5th November, 1895.* No 563 T R—In exercise of the powers conferred by sections 5 and 5A of the Scheduled Districts Act, 14 of 1874, and with the previous sanction of the Governor General in Council, the Lieutenant Governor of Bengal is pleased to extend the Bengal Tenancy Act, 8 of 1885, to the

[1] This Notification has been superseded by Notification No. 762, dated the 1st June, 1882 (printed on p. 505), which extends Act 14 of 1882 to the Jalpaiguri District.

[2] These places are part of the present Province of Bengal.

[3] The former district of Lohardaga is now divided into the districts of Ranchi and Palamau—*see* Notifications dated the 9th January, 1899, and the 30th October, 1891, in Bengal Code, 1905, Vol. V, p 86.

[4] The Mahal of Banki has been annexed to the *District of Cuttack, and ceased to be a portion* of a Scheduled District from the 1st April, 1882—*see* the Banki Laws Act, 1881 (*25 of 1881*), s 4, in Bengal Code, 1905, Vol. II, p 620.

[5] *Printed in General Acts, 1882 84, Ed 1898, p. 262.*

[6] *Printed in Vol. I of this Code, p. 400.*

B—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd

I.—The Jalpaiguri District—*contd.*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(2).—*Acts of the Governor General of India in Council*—concld				
1888	7[1]	The Civil Procedure Code Amendment Act, 1888	Extended to the Jalpaiguri District	The whole Act, except so much as amends the Indian Registration Act 1877, and the Indian Limitation Act 1877, which was already in force.		*The 9th November*, 1888 In exercise of the power conferred by section 5 of the Scheduled Districts Act, 14 of 1874, His Honour the Lieutenant-Governor of Bengal is pleased with the previous sanction of the Governor General in Council, to extend the Civil Procedure Code Amendment Act, 7 of 1888, except so much thereof as amends the Indian Registration Act, 1877 and the Indian Limitation Act, 1877, which is already in force to the undermentioned scheduled districts, namely — the districts of [*Darjeeling*] [2] and Jalpaiguri (called, in Act 14 of 1874) the Darjeeling and Jalpaiguri Divisions) and [*the Mahal of Angul*] [2] [*See* Gazette of India, 1888, Pt I, p 524 Calcutta Gazette, 1888, Pt I, p 969]
"	10[1]	Civil Procedure (amendment of Act 14 of 1882)	Ditto	Sections 1 and 3		*The 28th September*, 1889 In exercise of the power conferred by section 5 of the Scheduled Districts Act, 14

				of 1874, the Lieutenant Governor of Bengal is pleased, with the previous sanction of the Governor General in Council, to extend sections 1 and 3 of Act 10 of 1888 (*an Act to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act*, 1882) to the districts of [*Darjeeling*] [2] and Jalpaiguri, [*the Mahál of Angul, the districts of Hazaribagh, Lohardaga,* [3] *and Manbhum, and the Pargana Dhalbhum in the district of Singhbhum*] [2] [*See Gazette of India*, 1889, *Pt I, p* 538; *Calcutta Gazette*, 1889, *Pt I, p* 831]

[1] Printed in General Acts, 1885-90 Ed 1898

[2] These places are part of the present Province of Bengal

[3] The former district of Lohardaga is now divided into the districts of Ranchi and Palamau—*see* Notifications dated the 9th January, 1899, and the 30th October, 1891, in Bengal Code, 1905 Vol V, p 86

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd

1. The Jalpaiguri District—*concld.*

1	2	3	4	5	6	7
Year	No.	Short title or subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Restrictions and modifications.	Notification
		(3).—*Regulation made under the Government of India Act,* 1870 (33 *and* 34 *Vict., c.* 3).				
1873	5 [1]	Bengal Eastern Frontier Regulation, 1873.	Extended to the Jalpaiguri District	The whole		*No.* 603 *P.*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 14 of 1874, and with the previous sanction of the Governor General in Council, the Lieutenant Governor of Bengal is pleased to extend the Bengal Eastern Frontier Regulation, 1873 (5 of 1873), to the districts of Jalpaiguri [*and Darjeeling*.] [2] [*See* Calcutta Gazette, 1904, Pt. I, p. 378.]
		(4).—*Bengal Acts.*				
1862	3[3]	The Bengal Land-revenue Sales (Amendment) Act, 1862.	Extended to the Western Duars	The whole		*See* Notfn. No. 309, dated 3rd March, 1881, *ante, p.* 496
„	6	*The Bengal Rent Act,* 1862.	Ditto	Ditto	..	*See Notfn. No.* 865 *J. D., dated 25th October,* 1895, [4] *ante, p.* 495

1868	7[3]	The Bengal Land revenue Sales Act, 1868	Ditto . .	Ditto . . .	..	See Notfn No 309, dated 3rd March, 1881, *ante, p* 496
1879	8[5]	*The Bengal Rent Settlement Act*, 1879	Ditto .	Ditto . .	.	*See Notfn No* 388 *J., dated* 20*th January*, 1896, *ante, p* 502

[1] Printed in Vol I, p 626
[2] The Darjeeling District is part of the present Province of Bengal
[3] Printed in Vol II of this Code
[4] This Notification is superseded by Notification No 964, dated *5th November*, 1893 (*ante*, p. 506), extending to the Western Duárs the Bengal Tenancy Act, 1885 (8 of 1885), which repeals Ben. Act 6 of 1862.
[5] Ben. Act 8 of 1879 is repealed by the Bengal Tenancy Act, 1885 (8 of 1885), which is in force in the Jalpaiguri District—*see ante*, pp. 505 to 507

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd.

2.—Assam.

1	2	3	4	5	6	7
Year	No	Short title or subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications	Notification

(1).—*Bengal Regulations.*

1	2	3	4	5	6	7
1793	I[I]	The Bengal Permanent Settlement Regulation, 1793	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		*The 3rd October,* 1879 *No* 1152 J.—In exercise of the power conferred by section 3 of Act 14 of 1874 (the [illegible] Districts Act, [illegible] supersession of [illegible] ment Notifica[illegible] [illegible]11, dated the [illegible] 1878 (Judicial), [illegible]ommissioner of [illegible]ased, with the [illegible]tion of the Gov[illegible] [illegible] in Council, to the enactments [illegible] the Schedules [illegible]d are in force [illegible]ct of Sylhet in [illegible]ommissionership [illegible]l to the extent [illegible]n the third [illegible] said Schedules, [illegible] in contained [illegible]med to affect

						the operation of any enactment in force in the District of Sylhet and not mentioned in the said Schedules (Here follow the Schedules, which contain, among other enactments, Bengal Regulation 1 of 1793) [See Gazette of India, 1879, Pt I, p 631 , Assam Gazette 1879, Pt II, p 599 , the Assam Local Statutory Rules and Orders, 1903, p 50]
"	"	Ditto	Declared in force in the District of Goalpara (excluding the Eastern Duárs)	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending *to* the territory mentioned in column 4, opposite		*The 1st April*, 1897. *No* 1242 *J* —In exercise of the power conferred by section 3, clause (*a*), of the Scheduled Districts Act (14 of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to declare that the enactments mentioned in the Schedule hereto annexed are in force in the territories mentioned in the third column of the said Schedule, to the extent mentioned in the fourth column of the said Schedule, respectively. (Here follows the Schedule, which contains, among other enactments, Bengal Regulation 1 of 1793) [See *Gazette of India*, 1897, Pt I, p 299, Assam Gazette, 1897, Pt. II, p 285,

[1] Printed in Vol I of this Code
[2] The Chief Commissionership of Assam is now merged in the Province of Eastern Bengal and Assam—*see* Proclamations cited in the preamble to the Bengal and Assam Laws Act, 1905 (7 of 1905), in Vol I, p 622

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd

2.—ASSAM—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(1).—*Bengal Regulations*—contd.			
1793	1[1]	The Bengal Permanent Settlement Regulation 1793—*contd*				the Assam Local Statutory Rules and Orders, Supplement, 1901, p 6?
,,	2[1]	The Bengal Land revenue Regulation, 1793	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam.	.	See Notfn No 1152, dated 3rd October, 1879, *ante*, p 512
,,	8[1]	The Bengal Decennial Settlement Regulation, 1793.	Ditto	Ditto	..	Ditto
,,	,,	Ditto	Declared in force in the District of Goalpara (excluding the Eastern Duárs)	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite	.	See Notfn No 1242, dated 1st April, 1897, *ante*, p 513
,,	11[1]	The Bengal Inheritance Regulation, 1793	Declared in force in the District of Sylhet.	So much as was in force on the 1st January, 1875, in those	..	See Notfn. No. 1152, dated 3rd October, 1879, *ante*, p. 512,

				parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		
"	"	Ditto	Declared in force in the District of Goalpára (excluding the Eastern Duárs)	So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite	..	See Notfn No 1242, dated 1st April 1897, *ante*, p 513
"	19[2]	*The Bengal Revenue free lands (Non Badshahi Grants) Regulation*, 1793	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January*, 1875, *in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn No* 1152, *dated 3rd October*, 1879, *ante*, *p* 512
"	37[2]	*The Bengal Revenue free lands (Bádshahi Grants) Regulation*, 1793	*Ditto*	*Ditto*		*Ditto*
"	38[1]	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793	Ditto	Ditto	—	Ditto
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [3]	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite	..	See Notfn No 1242, dated 1st April, 1897 *ante*, p. 513

[1] Printed in Vol I of this Code
[2] Ben. Regs 19 and 37 of 1793 have been repealed in Sylhet by the Assam Land and Revenue Regulation 1886 (1 of 1886).
[3] The operation of this Regulation has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd

2.—Assam—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(1) —*Bengal Regulations*—contd			
1793	48[1]	*Quinquennial Register*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn. No 1152 dated 3rd October,* 1879 *ante p* 512
1794	3[1]	*The Bengal Native Revenue-officers Regulation* 1794	*Ditto*	*Ditto*		*Ditto*
1797	15[1]	*Fees on division and transfer of estates*	*Ditto*	*Ditto*		*Ditto*
1798	1[2]	*The Bengal Land (Conditional Sales) Regulation* 1798.	*Ditto*	*Ditto*		*Ditto*
"	.	*Ditto*	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills) Darrang Goalpara (excluding the Eastern Duars) Kamrup Lakhimpur, Nowgong and Sibsagar*	*Ditto*		*See Notfn No* 1110 *dated* 22*nd August,* 1878, *post p* 517

1799	5[3]	The Bengal Wills and Intestacy Regulation, *1799*	Ditto	Ditto	..	A . . *August*, 1878 n exercise of the erred by section 3 ' 1874 (the Sched- .s Act), the Chief er of Assam is th the previous f the Governor Council, to declare nactments men e Schedules hereto in force in the he Chief Commis of Assam [4] men he third column Schedules, to the itioned in the the said Sched ively (1 the Schedules, ain, among other Bengal Regu 1799) 2 herein contained ned to affect the any enactment [in force] [5] in any of the districts named in the above Schedules and not mentioned in the said Schedules [See Gazette of India, 1878, Pt. I, p 533, Assam Gazette 1878, Pt II p 407, the Assam Local Statutory Rules and Orders 1893 p 49]

[1] Ben. Regs 48 of 1793, 3 of 1794 and 15 of 1797 have been repealed in Sylhet by the Assam Land and Revenue Regulation, 1886 (1 of 1886)

[2] Ben. Reg 1 of 1798 has been repealed in Assam by the Transfer of Property Act, 1882 (4 of 1882)

[3] *Printed in Vol. I of this Code*

[4] The Chief Commissionership of Assam is now merged in the Province of Eastern Bengal and Assam—*see* Proclamations cited in the preamble to the Bengal and Assam Laws Act, 1905 (7 of 1905) in Vol I, p 622

[5] The words "in force" were inserted by Notification No 1424, dated 17th October, 1878 printed on p 518 *post*

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—*contd*

2 —Assam—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared *in force or* extended	Extent to which declared in force or extended.	Restrictions and modifications.	Notification.
			(1) —*Bengal Regulations*—contd			
1793	5 [2]	The Bengal Wills and Intestacy Regulation, 1793—*contd*			..	*The 17th October*, 1878 *No* 1424 *Erratum* —In paragraph 2 of Home Department Notification[1] No 1110 dated the 22nd August last for the words any enactment in any of the districts named ' read " any enactment in force in any of the districts named " [See *Gazette of India* 1878, Pt. I p 624, Assam Gazette 1878 Pt. II p 535]
"	"	Ditto	Declared in force in the tract transferred from the Nága Hills District to the Sibságar District and defined in Notification No 1436 P dated the 11th April 1901	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam.		*The 11th April* 1901 *No* 1439 *J* —In exercise of the power conferred by section 3 clause (*a*) of the Scheduled Districts Act 1874 (14 of 1874) and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to declare that the enactments mentioned in the Schedule hereto annexed to

						the extent set forth in the third column thereof, are in force in the tract in the Sibsagar District defined in Notification No 1436P, dated the 11th April, 1901[3] (Here follows the Schedule, which contains, among other enactments, Bengal Regulation 5 of 1799) [*See* Assam Gazette, 1901, Pt II, p. 284]
,,	,,	Ditto	Declared in force in the District of Sylhet.	Ditto		See Notfn No. 1152, dated 3rd October, 1879, *ante*, p. 512
1800	8[4]	*The Bengal Revenue free Lands Regulation*, 1800	*Ditto*	*Ditto*		*Ditto*
,,	10[2]	The Bengal Inheritance Regulation 1800	*Declared in force in the* District of Goalpara (excluding the Eastern Duars)	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		See Notfn No 1242, dated 1st April, 1897, *ante*, p. 513
1801	1[4]	*The Bengal Land revenue Assessment Regulation*, 1801	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January*, 1875, *in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn No* 1152 *dated 3rd October*, 1879, *ante*, *p* 512
1804	10[2]	The Bengal State offences Regulation, 1804	Ditto	Ditto		Ditto

[1] Printed *ante*, p 517
[2] Printed in Vol I of this Code
[3] Published in Assam Gazette, 1901, Pt II, p 283
[4] Ben Regs 8 of 1800 and 1 of 1801 have been repealed in Sylhet by the Assam Land and Revenue Regulation, 1886 (1 of 1886)

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd

2—Assam—contd

1	2	3	4	5	6	7
Year	No.	Short title or subject.	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(1)—Bengal Regulations—contd			
1804	10(1)	The Bengal State offences Regulation 1804—concld	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		See Notfn No 1242, dated 1st April 1897 ante p 513
1806	11(1)	The Bengal Troops Transport and Travellers Assistance Regulation 1806	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam.		See Notfn. No 1152, dated 3rd October, 1873, ante, p 512
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite		See Notfn No 1242, dated 1st April 1897, ante, p 513

"	17[3]	*The Bengal Land (Redemption and Foreclosure) Regulation 1806*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notifn No 1152 dated 3rd October 1879 ante p 512*
"		*Ditto*	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills) Darrang Goalpára (excluding the Eastern Duárs), Kamrúp Lakhimpur Nowgong and Sibságar*	*Ditto*		*See Notifn No 1110, dated 22nd August, 1878 ante p 517*
1810	19[4]	*The Bengal Charitable Endowments Public Buildings and Escheats Regulation 1810*	*Declared in force in the District of Sylhet*	*Ditto*		*See Notifn No 1152 dated 3rd October 1879 ante p 512*
	20[5]	*Military Bazars*	*Ditto*	*Ditto*		*Ditto*
1811	11[6]	*Jama on divided estates*	*Ditto*	*Ditto*		*Ditto*
1812	5[6]	*The Bengal Land revenue Sales Regulation 1812*	*Ditto*	*Ditto*		*Ditto*
	11[1]	The Bengal Foreign Immigrants Regulation 1812	Ditto	Ditto		*Ditto*

[1] Printed in Vol. I of this Code
[2] The operation of these Regulations has since been barred in the whole of the Lushai Hills—see Table D in Appendix II to this Volume
[3] Ben Reg 17 of 1806 has been repealed in Assam by the Transfer of Property Act 1882 (4 of 1882)
[4] Ben Reg 19 of 1810 has been repealed in Assam by the Repealing and Amending Act 1897 (5 of 1897)
[5] Ben Reg 20 of 1810 has been repealed in Assam by the Cantonments Act 1889 (13 of 1889)
[6] Ben Reg 11 of 1811 and 5 of 1812 have been repealed in Sylhet by the Assam Land and Revenue Regulation 1886 (1 of 1886)

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd

2.—ASSAM—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(1).—Bengal Regulations—contd			
1812	11[1]	The Bengal Foreign Immigrants Regulation, 1812—*contd*	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite		See Notfn No, 1242, dated 1st April, 1897, *ante*, p. 513
1814	19[3]	*Partition of revenue paying estates.*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*	.	*See Notfn. No 1152, dated 3rd October, 1879, ante, p 512.*
1817	20[4]	*The Bengal Police Regulation, 1817.*	*Ditto* . . .	*Ditto*		*Ditto*
1818	3[1]	The Bengal State Prisoners, Regulation, 1818.	Ditto .	Ditto		Ditto

"	"	Ditto . .	Declared in force in the Districts of Cachar, Darrang, the Garo Hills Goálpára Kámrup the Khási and Jaintia Hills, Lakhimpur the Nága Hills, Nowgong and Sibságar	*The whole*		*The 3rd February, 1887* *No 7 J*—In exercise of the power conferred by section 3 of the Scheduled Districts Act, 1874, the Chief Commissioner of *Assam* is pleased, with the previous sanction of the Governor General in Council to declare that Bengal Regulation 3 of 1818 (*a Regulation for the confinement of State Prisoners*), *Act 34 of* 1850 (*an Act for the better custody of State Prisoners*) and Act 3 of 1858 (*an Act to amend the law relating to the arrest and detention of State Prisoners*) are in force in the Districts of Kámrúp Darrang Nowgong Sibságar Lakhimpur, Gáro Hills Khási and Jaintia Hills Nága Hills, Cachar and Goálpára. [See *Gazette of India*, 1887, Pt I, p 78, Assam Gazette, 1887, Pt II p 46, the Assam Local Statutory Rules and Orders, 1893, p 48]
"	"	Ditto	Declared in force in the Mokokchang Sub Division of the Nága Hills District	Ditto		*The 16th January,* 1891 *No 170 J*—In exercise of the power conferred by section 3 of the Scheduled Districts Act 14 of 1874, the Chief Commissioner, with

[1] Printed in Vol. I of this Code
[2] The operation of this Regulation has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume
[3] Ben Reg 19 of 1814 has been repealed in Sylhet by the Assam Land and Revenue Regulation, 1886 (1 of 1886)
[4] Ben. Reg 20 of 1817 has been repealed in Assam by the Repealing and Amending Act, 1897 (5 of 1897)

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act 1874 (14 of 1874)—contd

2.—ASSAM—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications.	Notification
			(1).—*Bengal Regulations*—contd			
1818	3(1)	The Bengal State Prisoners Regulation, 1818—*contd.*				the previous sanction of the Governor General in Council, declares the under mentioned enactments to be in force in the Mokokchang Sub Division of the Nága Hills District — (1) Bengal Regulation 3 of 1818 (*a Regulation for the confinement of State Prisoners*), (2) Act 34 of 1850 (*an Act for the better custody of State Prisoners*) (3) *Act 3 of* 1858 (*an Act to amend the Law relating to the arrest and detention of State Prisoners*) [See Gazette of India 1891, Pt I, p 252 Assam Gazette 1891, Pt. II p 30, the Assam Local Statutory Rules and Orders, 1897 p 53]

1819	2[2]	*The Bengal Land revenue Assessment (Resumed Lands) Regulation* 1819	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam.*		*See Notfn No* 1152, *dated* 3rd *October*, 1879 *ante, p* 512.
„	6[3]	*Ferries*	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills) Darrang Goalpara (excluding the Eastern Duars) Kamrup Lakhimpur Nowgong and Sibságar*	*Ditto*		*See Notfn No* 1110 *dated* 22nd *August* 1878 *ante, p* 517
1821	4[2]	*The Bengal Land revenue (Assistant Collectors) Regulation*, 1821	*Declared in force in the District of Sylhet*	*Ditto*		*See Notfn No* 1152, *dated* 3rd *October*, 1879, *ante, p* 512
1822	3[1]	The Bengal Board of Revenue Regulation 1822	Ditto	Ditto		Ditto
„	11[2]	*The Bengal Government Indemnity Regulation* 1822	*Ditto*	*Ditto*		*Ditto*
1823	6[4]	*The Bengal Indigo Contracts Regulation* 1823	*Ditto*	*Ditto*		*Ditto*
„	7[1]	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823	Ditto	Ditto		Ditto

[1] Printed in Vol. I of this Code

[2] Ben. Regs. 2 of 1819 4 of 1821 and 3 and 11 of 1822 have been repealed in Sylhet by the Assam Land and Revenue Regulation, 1886 (1 of 1886)

[3] Ben. Reg 6 of 1819 has been repealed in Assam by the Northern India Ferries Act 1878 (17 of 1878)

[4] Ben Reg 6 of 1823 has been repealed in Assam by the Repealing and Amending Act, 1891 (12 of 1891)

9 —*Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act*, 1874 (14 *of* 1874)—contd

2 —ASSAM—contd

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(1).—*Bengal Regulations*—contd			
1823	7[1]	The Indian Civil Service (Bengal) Loans Prohibition *Regulation*, 1823 —*contd*	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite		See *Notfn No* 1242, dated 1st April, 1897, *ante*, *p* 513
1825	6[1]	The Bengal Troops Transport *Regulation*, 1825	Declared in force in the *District of Sylhet*.	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		See Notfn No 1152, dated 3rd October, 1879, *ante*, p 512
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite		See Notfn No 1242 dated 1st April 1897 *ante* p 513

"	9[3]	*The Bengal Land revenue Settlement Regulation, 1825*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn No 1152, dated 3rd October, 1879, ante p 512*
"	11[1]	The Bengal Alluvion and Diluvion Regulation, 1825	Ditto	Ditto	..	Ditto.
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite		See Notfn No 1242, dated 1st April 1897 *ante*, p 513
"	13[3]	*The Bengal Land revenue Settlement (Resumed Kanungos and Revenue free Lands) Regulation, 1825*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn No 1152, dated 3rd October 1879 ante, p 512*
"	14[3]	*The Bengal Revenue free Lands Regulation, 1825*	*Ditto*	*Ditto*		*Ditto*
"	20[4]	*Courts Martial and Military Courts of Requests*	*Ditto*	*Ditto*		*Ditto*

[1] Printed in Vol I of this Code

[2] The operation of these Regulations has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume

[3] Ben Regs 9 13 *and* 14 *of* 1825 *have been repealed in* Sylhet by the *Assam Land and Revenue Regulation*, 1886 (1 *of* 1886)

[4] Ben Reg 20 of 1825 has been repealed in Assam by the Code of Criminal Procedure 1882 (Act X of 1882)

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd.

2.—ASSAM—*contd.*

1	2	3	4	5	6	7
Year	*No.*	*Short title or subject*	Places in or *to* which declared in force or extended	Extent to which declared in force or extended	Restrictions and *modifications*	*Notification*
			(1).—*Bengal Regulations*—contd.			
1827	3[1]	The Bengal Corruption and Extortion Regulation, 1827	Declared in force in the District of Sylhet	*So much as was* in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		See Notfn No 1152, dated 3rd October, 1879, *ante*, p 512.
"	5[1]	The Bengal Attached Estates Management Regulation, 1827	*Ditto*	Ditto	..	Ditto
"	"	Ditto	Declared in force in th *Districts of Cachar (ex*cluding the North Cachar Hills), Darrang, *Goálpara (excluding the* Eastern Duárs), Kámrúp, Lakhimpur, Nowgong and Sibsagar.	So much as was in force on the *1st January, 1875, in those* parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite.	..	See Notfn No 1242, dated 1st April, 1897, *ante*, p 513.

.	.	Ditto .	Declared in force in the tract transferred from the Nága Hills District to the Sibságar District and defined in Notification No 1436 P, dated the 11th April, 1901	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam	..	*See* Notfn No. 1439, dated 11th April, 1901, *ante*, p 518.
1828	3[2]	*The Bengal Land revenue Assessment (Resumed Lands) Regulation, 1828*	*Declared in force in the District of Sylhet*	*Ditto*		*See Notfn No 1152, dated 3rd October, 1879, ante, p 512*
"	4[2]	*The Bengal Land revenue Settlement Regulation, 1828.*	*Ditto* .	*Ditto*	..	*Ditto*
1829	1[2]	*The Bengal Revenue Commissioners Regulation, 1829.*	*Ditto*	*Ditto* .	.	*Ditto*
"	17[1]	The Bengal Sati Regulation, 1829	Ditto .	Ditto .	.	Ditto
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [3]	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite	..	*See* Notfn No 1242, dated 1st April, 1897, *ante*, p 513.

[1] Printed in Vol I of this Code
[2] Ben Regs 3 and 4 of 1828 and 1 of 1829 have been repealed in Sylhet by the Assam Land and Revenue Regulation, 1886 (1 of 1886).
[3] The *operation of this Regulation has since been barred in the whole of the Lushai Hills—see* Table D in Appendix II to this Volume

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act 1874 (XIV of 1874)—contd.

2. ASSAM—contd.

1	2	3	4	5	6	7
Year	No.	Short title	Extent to which declared in force or extended	Date on which declared in force or extended	Restrictions and modifications	Notification
		(1) Bengal Regulations—contd.				
1833	5 (?)	The Bengal Indigo [illegible] Regulation 1833	Declared in force in the District of Sylhet [illegible]	Since the commencement [illegible] the 1st January 1875 [illegible] [illegible]		See Notifn. No. 1112 dated 3rd October 1879 [illegible] 512
1833	9 (?)	The Bengal Land Revenue (Settlement and Deputy Collectors) Regulation 1833	Ditto	Ditto		Ditto
		Ditto	Declared in force in the districts of Cachar [illegible] (excluding the North Cachar Hills) [illegible] [illegible]	Since the commencement [illegible] on the 1st January 1876 [illegible] [illegible]		See Notifn. No. 1110 dated 2nd August 1878 [illegible] 517

(2)—*Acts of the Governor General of India in Council.*

1836	10[1]	*The Bengal Indigo Contracts Act 1836*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn. No 1152, dated 3rd October, 1879, ante, p. 512*
	20[2]	*Batwaras*	*Ditto*	*Ditto*		*Ditto*
	21[2]	*The Bengal Districts Act 1836*	*Ditto*	*Ditto*		*Ditto*
"		*Ditto*	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills) Darrang Goalpara (excluding the Eastern Duars) Kamrup Lakhimpur Nowgong and Sibsagar*	*Ditto*		*See Notfn No 1110, dated 22nd August, 1878, ante, p 517*
	26[1]	*Camp Police*	*Declared in force in the District of Sylhet*	*Ditto*		*See Notfn No 1152, dated 3rd October, 1879, ante, p. 512*
1837	4[3]	Property in Land Act 1837	Ditto	Ditto		Ditto
1838	11[2]	*Remuneration of Amins effecting Partitions*	*Ditto*	*Ditto*		*Ditto*
"	25[3]	The Wills Act 1838	Ditto	Ditto		Ditto

[1] Ben Reg 5 of 1830 and Acts 10 and 26 of 1836 have been repealed by the Repealing and Amending Act, 1891 (12 of 1891)

[2] Ben Reg 9 of 1833 and Acts 20 and 21 of 1836 and 11 of 1838 have been repealed in the several areas respectively mentioned opposite thereto in column 4 of this list by the Assam Land and Revenue Regulation 1886 (1 of 1886)

[3] Printed in General Acts 1834-67 Ed 1898

B —Chronological Tables of Enactments declared in force in, or extended to Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act 1874 (14 *of* 1874)—contd

2 Assam—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(2) —Acts of the Governor General of India in Council—contd			
1838	25[1]	The Wills Act 1838 —(*contd*)	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		*See* Notfn No 1242 dated 1st April 1897 *ante* p 513
1839	29[1]	The Dower Act 1839	Declared in force in the District of Sylhet	So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		*See* Notfn No 1152 dated 3rd October 1879 *ante* p 512
"		Ditto .	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		*See* Notfn No 1242 dated 1st April 1897 *ante*, p 513

"	30[1]	The Inheritance Act, 1839	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		*See* Notfn No 1152, dated 3rd October, 1879, *ante* p 512
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills). [2]	So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		*See* Notfn No 1242, dated 1st April 1897, *ante*, p 513
"	32[1]	The Interest Act, 1839	Declared in force in the District of Sylhet	So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		*See* Notfn No 1152, dated 3rd October, 1879 *ante*, p 512
"		Ditto	Declared *in force in* the Districts of Cachar (excluding the North Cachar Hills) Darrang Goálpára (excluding the Eastern Duárs) Kámrup, Lakhimpur, Nowgong and Sibsagar	The extent to which the Act was on the 22nd August 1878 in force in those parts of British India which were not included in any Scheduled District		*See* Notfn No 1110, dated 22nd August 1878, *ante*, p 517

[1] Printed in General Acts, 1834-67 Ed 1898

[2] The operation of these Acts has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume

II.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act 1874 (14 *of* 1874)—contd

2 ASSAM—*contd*

1 Year	2 No	3 Short title or subject.	4 Places in or to which declared in force or extended.	5 Extent to which declared in force or extended	6 Restrictions and modifications	7 Notification
		(2) —*Acts of the Governor General of India in Council*—contd				
1839	32(1)	The Interest Act 1839—*contd*	Declared in force in the Eastern Duárs in the Goálpára District the Gáro Hills the Khási and Jaintia Hills the Nága Hills, and the North Cachar Hills in the Cachar District	So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		*See* Notfn No 1242 dated 1st April 1897 *ante*, p 513
1840	6(2)	*Bills of Exchange*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn No 1152, dated 3rd October, 1879, ante, p 512*
1841	10(1)	The Indian Registration of Ships Act, 1841	Ditto	Ditto		Ditto
"	11(3)	*Military Courts of Requests*	*Ditto*	*Ditto*		*Ditto*
"	12(4)	*The Bengal Land revenue Sales Act, 1841*	*Ditto*	*Ditto*		*Ditto*

„	10[1]	The Succession (Property Protection) Act, 1841	Ditto	Ditto	Ditto.
1842	9[5]	*Lease and Release*	*Ditto*	*Ditto*	*Ditto.*
„	12[3]	*Military Bazars*	*Ditto*	*Ditto*	*Ditto*
1843	5[1]	The Indian Slavery Act, 1843	Ditto	Ditto	Ditto.
„	„	Ditto	Declared in force in the Districts of Cachar (excluding the North Cachar Hills) Darrang, Goálpará, (excluding the Eastern Duárs), Kámrúp, Lakhimpur, Nowgong and Sibságar	The extent to which the Act was, on the 22nd August, 1878, in force in those parts of British India which were not included in any Scheduled District	*See* Notfn No 1110, dated 22nd August, 1878, *ante*, p 517.
„	„	Ditto	Declared in force in the Eastern Duárs in the Goálpára District, the Gáro Hills, the Khasi and Jaintia Hills, the Nága Hills and the North Cachar Hills in the Cachar District	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite	*See* Notfn No. 1242, dated 1st April, 1897, *ante*, p 513
1847	9[4]	*The Bengal Alluvion and Diluvion Act*, 1847	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January*, 1875, *in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*	*See Notfn No* 1152, *dated 3rd October*, 1879, *ante*, p 512

[1] Printed in General Acts, 1834 67, Ed 1898
[2] Act 6 of 1840 has been repealed by the Negotiable Instruments Act, 1881 (26 of 1881)
[3] Acts 11 of 1841 and 12 of 1842 have been repealed by Act 8 of 1887
[4] Acts 12 of 1841 and 9 of 1847 have been repealed in Sylhet by the Assam Land and Revenue Regulation, 1886 (1 of 1886).
[5] Act 9 of 1842 has been repealed by the Repealing and Amending Act, 1891 (12 of 1891)

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd

2 ASSAM—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject.	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification.
		(2).—*Acts of the Governor General of India in Council*—contd				
1847	20[1]	The Indian Copyright *Act, 1847*	Declared in force in the *District of Sylhet.*	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		*See* Notfn No 1152, dated 3rd October, 1879 *ante*, p 512
"	"	Ditto	Declared in force in the rest of Assam (except the *North Lushai Hills)* [2]	So much as was in force on the 1st January, 1875 in those parts of *Bengal* not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		*See* Notfn No 1242-J, dated 1st April 1897, *ante*, p 513
1848	20[3]	*The Bengal Landholders Attendance Act* 1848.	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any Enactment extending to Assam*		*See Notfn No* 1152 *dated* 3rd *October*, 1879, *ante*, *p* 512

1850	5[1]	The Indian Coasting Trade Act, 1850	Ditto . .	Ditto .	..	Ditto
"	11[1]	The Indian Registration of Ships Act (1841) Amendment Act, 1850	Ditto	Ditto . .		Ditto
"	12[3]	*The Public Accountants' Defaults Act*, 1850	*Ditto*	*Ditto*		*Ditto*
"	"	*Ditto*	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kamrup, Lakhimpur, Nowgong and Sibsagar*	*The extent to which the Act was, on the 22nd August 1878, in force in those parts of British India which were not included in any Scheduled District*		*See Notfn. No* 1110, *dated 22nd August*, 1878, *ante*, p 517.
"	16[1]	The Judicial Officers' Protection Act, 1850	Ditto	*Ditto*		Ditto
"		*Ditto*	Declared in force in the District of Sylhet	So much as was in force on the 1st January 1875 in those parts of Bengal not included *in any Scheduled District* and had not been repealed by any enactment extending to Assam		*See* Notfn No 1152, dated 3rd October, 1879, *ante*, p 512

[1] Printed in General Acts, 1834 67, Ed 1898

[2] The operation of this Act has since been barred in the whole of the Lushai Hills—see Table D in Appendix II to this Volume

[3] Acts 20 of 1848 and 12 of 1850 have been repealed in the several areas respectively mentioned opposite thereto in column 4 of this list, by the Assam Land and Revenue Regulation, 1886 (1 of 1886)

B.—*Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act*, 1874 (14 of 1874)—contd

2 Assam—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(2) — *Acts of the Governor General of India in Council*—contd			
1850	18[1]	The Judicial Officers' Protection Act 1850—*contd*	Declared in force in the Lastern Duárs in the Goálpára District the Gáro Hills, the Khási and Jaintia Hills, the Nága Hills and the North Cachar Hills in the Cachar District	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		*See* Notfn No. 1242, dated 1st April 1897 *ante*, p. 513
"	19[1]	The Apprentices Act 1850	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam.		*See* Notfn No 1152, dated 3rd October, 1879, *ante*, p 512
		Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [3].	So u uch as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite	.	*See* Notfn. No 1242, dated 1st April, 1897, *ante*, p 513

,	21[1]	The Caste Disabilities Removal Act 1850	Declared in force in the District of Sylhet	So much as was in force on the *1st January*, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		*See* Notfn No 1152, dated 3rd October, 1879, *ante*, p 512
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai *Hills*) [2]	So much *as* was *in* force on the 1st January 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 *opposite*		*See* Notfn No 1242, dated 1st April, 1897 *ante*, p 513
	34[1]	The State Prisoners Act, 1850	Declared in force in the *District of Sylhet*	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		*See* Notfn No 1152, dated 3rd October, 1879, *ante*, p 512
"	"	Ditto	*Declared in force in the* Districts of Cachar Darrang Gáro Hills Goálpára Kámrup, Khási and Jaintia Hills, Lakhimpur Naga Hills Nowgong and Sibságar	The whole		*See* Notfn No 7, dated 3rd February, 1887, *ante*, p 523
"	"	Ditto	Declared in force in the Mokokchang Sub division of the Nága Hills District	Ditto		*See* Notfn No 170, dated 16th January, 1891, *ante*, p 523

[1] Printed in General Acts 1834 67 Ed 1898
[2] The operation of these Acts has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd

2 ASSAM—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(2) —*Acts of the Governor General of India in Council*—contd				
1850	37[1]	The Public Servants (Inquiries) Act, 1850	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		See Notfn No 1152, dated 3rd October, 1879, *ante* p. 512
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		See Notfn No 1242, dated 1st April, 1897 *ante* p. 513
"	44[3]	The Bengal Board of Revenue Act, 1850	Declared in force in the District of Sylhet	So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		See Notfn No 1152, dated 3rd October 1879, *ante*, p. 512

1852	30[1]	The Indian Naturalization Act, 1852	Ditto	Ditto		Ditto
"	"	Ditto	Declared in force in the rest of *Assam* (except the North Lushai Hills) [2]	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		*See* Notfn No 1242, dated 1st April, 1897, *ante*, p 513
"	33[4]	*Enforcement of Judgments*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn No* 1152, *dated 3rd October*, 1879, *ante*, *p* 512
1853	*2[1]*	*The Landholders'* Public Charges and Duties Act, 1853	Ditto	Ditto		Ditto
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January, *1875*, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		*See* Notfn No 1242, dated 1st *April*, *1897*, *ante*, p 513

[1] Printed in General Acts 1834-67, Ed 1898
[2] The operation of these Acts has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume
[3] Printed in Vol I of this Code
[4] Act 33 of 1852 has been repealed by Act 8 of 1887

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd.

2 ASSAM—*contd.*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended.	Restrictions and modifications	Notification
		(2)—*Acts of the Governor General of India in Council*—contd				
1853	10 [1]	The Recusant Witnesses Act, 1853.	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		*See* Notfn No 1152, dated 3rd October, 1879, *ante*, p 512
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January, 187?, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		*See* Notfn No 1242, dated 1st April, 1897, *ante*, p 513
1854	31 [3]	The Conveyance of Land Act, 1854	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		*See* Notfn No 1152, dated 3rd October, 1879, *ante*, p 512

	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January 1875, *in those* parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		*See* Notfn No 1242, dated 1st April 1897, *ante*, p 513
1855, 11 [3]	The Mesne Profits and Improvements Act 1855	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		*See* Notfn No 1152, dated 3rd October, 1879, *ante*, p 512.
	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January 1875 *in those* parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		*See* Notfn No 1242, dated 1st April 1897 *ante*, p 513
12 [3]	The Legal Representatives Suits Act 1855	Declared in force in the District of Sylhet	So much as was in force on the 1st January 1875 in those parts of Bengal *not included* in any Scheduled District and had not been repealed by any enactment extending to Assam		*See* Notfn No 1152 dated 3rd October 1879 *ante*, p 512

[1] Printed in Vol I, p 288
[2] The operation of these Acts has since been barred in the whole of the Lushai Hills—*see Table D* in Appendix II to this Volume
[3] Printed in General Acts 1834-67 Ed 1898

B —Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd

2 —ASSAM—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(2) —*Acts of the Governor General of India in Council*—contd			
1855	12 [1]	The Legal Representatives Suits Act, 1855—*contd*	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite		*See* Notfn No 1242, dated 1st April 1897 *ante*, p 513
"	13 [1]	The Indian Fatal Accidents Act 1855.	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		*See* Notfn No 1152, dated 3rd October 1879 *ante*, p 512
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in *force on* the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		*See* Notfn No 1242, dated 1st April 1897, *ante*, p 513

,,	23 [1]	The Mortgaged Estates Administration Act, 1855	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam	..	See Notfn No 1152, dated 3rd October, 1870, *ante*, p 512
,,	,,	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite	.	See Notfn No 1212, dated 1st April, 1897, *ante*, p 513
,,	24 [1]	The Penal Servitude Act, 1855	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		See Notfn No 1152, dated 3rd October, 1870, *ante*, p 512.
,,	,,	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		See Notfn No 1212, dated 1st April, 1897, *ante*, p 513
,,	28 [1]	The Usury Laws Repeal Act, 1855	Declared in force in the District of Sylhet.	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		See Notfn No 1152, dated 3rd October, 1870, *ante*, p. 512

[1] Printed in General Acts 1834-67, Ed 1898
[2] The operation of these Acts has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume

II.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874) —contd

2 —ASSAM—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(2) —*Acts of the Governor General of India in Council*—contd				
1855	28 [1]	The Usury Laws Repeal Act 1855—*contd*	Declared in force in the Districts of Cachar (excluding the North Cachar Hills) Darrang Goálpara (excluding the Eastern Duárs) Kámrup Lakhimpur, Nowgong and Sibságar	The extent to which the Act was on the 22nd August 1878 in force in those parts of British India which were not included in any Scheduled District		See Notfn No 1110 dated 22nd August 1878 *ante* p 517
"	"	Ditto	Declared *in* force in the tract transferred from the Naga Hills *District* to the Sibsagar District and defined in Notification No 1436P, dated the 11th April 1901	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		See Notfn No 1439J, dated 11th April 1901, ante p 518
1856	9 [1]	The Indian Bills of Lading Act, 1856	Declared *in force in* the District of Sylhet.	Ditto		See Notfn No 1152 dated 3rd October 1879, *ante* p 512.

,,	,,	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite	.	*See* Notfn No 1242, dated 1st April, 1897, *ante*. p 513
,,	11[1]	The European Deserters' Act, 1856	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam	..	*See* Notfn. No' 1152, dated 3rd October, 1879, *ante*, p 512.
,,	,,	Ditto . .	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		*See* Notfn. No 1242, dated 1st April, 1897, *ante*, p 513
,,	12[3]	*The Civil Courts Amins Act*, 1856.	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January* 1875, *in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn No* 1152, *dated 3rd October*, 1879, *ante*, *p* 512
,,	15[1]	The Hindu Widows' Re marriage Act, 1856.	Ditto	Ditto . .	..	Ditto

[1] Printed in General Acts, 1834 67, Ed 1898
[2] The operation of these Acts has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume
[3] Act 12 of 1856 has been repealed in Sylhet by the Bengal Civil Court Amins Act, 1899 (Ben Act 2 of 1899)

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874) —contd

2 ASSAM—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification.
			(2)—Acts of the Governor General of India in Council—contd			
1856	15(1)	The Hindu Widows' Re marriage Act, 1856—*contd*	Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goálpára (excluding the Eastern Duárs), Kámrup, *Lakhimpur*, Nowgong and Sibságar	The extent to which the Act was, on the 22nd August, 1878, in force in those parts of British India which were not included in any Scheduled District.		*See* Notfn. No 1110, dated 22nd August, 1878, *ante*, p. 517
"	"	Ditto	Declared in force in the Eastern Duárs in the Goálpára District, the Gáro Hills, the Khási and Jaintia Hills, the Nága Hills and the North Cachar Hills in the Cachar District.	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		*See* Notfn No 1242, dated 1st April, 1897, *ante*, p 513
"	21(2)	*Abkari*	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpára (excluding the Eastern Duars), Kamrup, Lakhimpur, Nowgong and Sibsagar.*	*So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn. No* 1110, *dated* 22nd *August*, 1878, *ante*, p 517

"	"	*Ditto*	*Declared in force in the District of Sylhet* [3]	*Ditto*	..	*See Notfn No 1152, dated 3rd October, 1879, ante, p 512*
1857	11 [1]	The State Offences Act, 1857	Declared in force in the District of Sylhet	Ditto		Ditto
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills[4])	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite		See Notfn No 1242, dated 1st April, 1897, *ante*, p 513
"	13 [5]	*The Opium Act, 1857*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn No 1152, dated 3rd October, 1879, ante, p 512*
"	25 [1]	The Forfeiture Act, 1857	Ditto	Ditto		Ditto.
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) [4]	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite		See Notfn No 1242, dated 1st April, 1897, *ante*, p 513

[1] Printed in General Acts, 1834 67, Ed 1898

[2] Act 21 of 1856 has been repealed by the Bengal Excise and Licensing Act, 1878 (Ben Act 7 of 1878), which has been extended to Assam—*see post*, p. 607

[3] The reference to *Act 21 of 1856* in *Schedule II* to Notification No 1152, dated 3rd October, 1879 (printed *ante*, p. 512), was cancelled by Notification No. 2287-J, dated 9th June 1896 (published in Gazette of India 1896 Pt I, p 484, and Assam Gazette, 1896, Pt II, p 508)

[4] The operation of these Acts has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume

[5] Act 13 of 1857 has been repealed in Assam by the Repealing and Amending Act, 1897 (5 of 1897)

— *Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act*, 1874 (14 of 1874)—contd.

2.—ASSAM—*contd.*

1	2	3	4	5	6	7
Year	No.	Short title or subject.	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(2) —*Acts of the Governor General of India in Council* —contd.			
1858	3 [1]	The State Prisoners Act, 1858.	Declared in force in the District of Sylhet.	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam	..	See Notfn No 1152, dated 3rd October, 1879, *ante*, p 512
"	"	Ditto	Declared in force in the Districts of Cachar, Darrang, Garo Hills, Goalpára, Kámrup, Khasi and Jaintia Hills, *Lakhimpur*, Nága Hills, Nowgong and Sibságar	The whole	..	See Notfn. No 7, dated 3rd February, 1897, *ante*, p 523
"	"	Ditto	Declared in force in the Mokokchang Sub Division of the Nága Hills District	Ditto		See Notfn No 170, dated 16th January, 1891, *ante*, p 523

	31[2] *The Bengal Alluvial Land Settlement Act, 1858*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*	..	*See Notfn No 1152, dated 3rd October, 1879, ante, p 512*
.	35[1] The Lunacy (District Courts) Act, 1858	Ditto	Ditto	.	Ditto
	,, Ditto	Declared in force in the Districts of Cachar (excluding the North Cachar Hills), *Darrang*, Goalpára (excluding the Eastern Duárs) Kamrup *Lakhimpur*, Nowgong and Sibságar	The extent to which the Act was, on the 22nd August, 1878, in force in those parts *of British India* which were not included in any Scheduled District		See Notfn No 1110, dated 22nd August, 1878, *ante*, p 517
.	. Ditto	Declared in force in the tract transferred from the Naga Hills District to the Sibsagar District and defined in Notification No 1436 P, dated the 11th April, 1901	So much as was in force ,on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		See Notfn No 1439, dated 11th April, 1901, *ante*, p 518
..	36[1] The *Indian Lunatic* Asylums Act, 1858	Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goálpára (excluding the *Eastern Duárs*), Kámrup, Lakhimpur, Nowgong and Sibságar	The extent to which the Act was, on the 22nd August, 1878, in force in those parts of British India which were not included in any Scheduled District.	.	See Notfn No 1110, dated 22nd August, 1878, *ante*, p 517

[1] Printed in *General Acts*, 1834 67, Ed 1898
[2] Act 31 of 1858 has been repealed in Sylhet by the Assam Land and Revenue Regulation, 1886 (1 of 1886)

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)— contd.

2.—ASSAM—*contd*

	2	3	4	5	6	7
Year	No.	Short title or subject.	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(2) —*Acts of the Governor General of India in Council*—contd				
1858	36 (1)	The Indian Lunatic Asylums Act 1858—*contd*	Declared in force in the District of Sylhet	*So much as was in force on the* 1st January 1875 in those parts of Bengal not included *in any Scheduled District* and had not been repealed by any enactment extending to *Assam*		See Notfn No 1152 dated 3rd October 1879 *ante* p 512
"	"	Ditto	Declared in *force* in the Eastern Duárs in the Goálpára District the Gáro Hills the Khasi and Jaintia Hills the Nága Hills and the North Cachar Hills in the Cachar District	*So much as was in force on the* 1st January 1875 in those parts of Bengal not included *in any* Scheduled District and had not been repealed by any enactment extending *to the territory mentioned in* column 4, opposite		See Notfn No 1242, dated 1st April 1897 *ante*, p 513
"	40 (2)	*Minors*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam.*		*See Notfn No 1152 dated 3rd October, 1879 ante, p 512*

"	"	*Ditto*	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kamrup, Lakhimpur, Nowgong and Sibsagar*	*Ditto*		*See Notfn No 1110, dated 22nd August, 1878, ante, p 517*
1859	1 [1]	The Indian Merchant Shipping Act, 1859	Declared in force in the District of Sylhet	Ditto		See Notfn No 1152, dated 3rd October, 1879, *ante*, p 512
"	3 [3]	*Cantonment Joint Magistrates*	*Ditto*	*Ditto*		*Ditto*
"	9 [1]	The Forfeiture Act, 1859	Ditto	So much of ss 16, 17, 18 and 20 as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		Ditto
.	.	*Ditto*	Declared in force in the rest of Assam (except the North Lushai Hills) [4]	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		See Notfn No 1242, dated 1st April, 1897 *ante* p 513

[1] Printed in General Acts, 1834-67 Ed 1898
[2] Act 40 of 1858 has been repealed by the Guardians and Wards Act, 1890 (8 of 1890)
[3] Act 3 of 1859 has been repealed by Act 8 of 1887
[4] The operation of this Act has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd

2.—Assam—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject.	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(2)—*Acts of the Governor General of India in Council*—contd				
1859	11 (1)	*The Bengal Land revenue Sales Act, 1859*	*Declared in force in the District of Sylhet.*	*So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn No 1152, dated 3rd October, 1879, ante, p. 512*
	15 (2)	*Patents* . . .	*Ditto*	*Ditto*	..	*Ditto*
1860	21 (3)	The Societies Registration Act, 1860.	Ditto	Ditto	..	Ditto
.	„	Ditto . .	Declared in force in the rest of Assam (except the North Lushai Hills) (4)	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite		See Notfn No 1242, dated 1st April, 1897, *ante*, p 513

.	23 [5]	*Abkari*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam.*		*See Notfn No* 1152 *dated 3rd October* 1879 *ante* p 512
„	27 [6]	*Collection of Debts on Successions*	*Ditto*	*Ditto*		*Ditto*
.		*Ditto*	*Declared in force in Districts of Cachar (excluding the North Cachar Hills) Darrang Goalpara (excluding the Eastern Duars) Kamrup Lakhimpur Nowgong and Sibsagar*	*The extent to which the Act was on the 22nd August 1878 in force in those parts of British India which were not included in any Scheduled District*		*See Notfn No* 1110 *dated 22nd August* 1878 *ante* p 517
	45 [3]	The Indian Penal Code	Extended to the Lushai Hills.	The whole		*The 1st April* 1898 *No* 922 *P* —In exercise of the power conferred by section 5 of the Scheduled Districts Act 1874 (14 of 1874) and with the previous sanction of the Governor General in Council the Chief Commissioner is pleased to extend the undermentioned enactments to the Lushai Hills, namely — (Here follows a list of the enactments which contains

[1] Act 11 of 1859 has been repealed in Sylhet by the Assam Land and Revenue Regulation 1886 (1 of 1886)
[2] Act 15 of 1859 has been repealed by the Inventions and Designs Act 1888 (5 of 1888)
[3] Printed in General Acts 1834 67 Ed 1898.
[4] The operation of this Act has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume
[5] Act 23 of 1860 has been repealed in Assam by the Repealing and Amending Act 1891 (12 of 1891)
[6] Act 27 of 1860 has been repealed by the Succession Certificates Act 1889 (7 of 1889)

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1871)—contd

2—ASSAM—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended.	Restrictions and modifications.	Notification.
		(2)—*Acts of the Governor General of India in Council*—contd				
1860	45[1]	The Indian Penal Code—*contd*				among others Act 46 of 1860 [See Assam Gazette, 1898 Pt I p. 379 the Assam Local Statutory Rules and Orders Supplt, 1901, pp 8, 9 11]
	,,	Ditto	Extended to the tract in the Lushai Hills District which was transferred from the Cachar District by Notification No. 1092 P, dated the 16th March 1904	The wh le		*The 16th March 1904* No 1096 P—In exercise of the powers conferred by section 5 of the Scheduled Districts Act 1874 (*14 of 1874*) and with the previous sanction of the Governor General in Council the Chief Commissioner is pleased to extend the undermentioned enactments to the tract in the Lushai Hills District defined in Notification No 1093 P dated the 16th March, 1904 namely — (Here follows a list of the enactments which contains, among others Act 45 of 1860)

						[See Assam Gazette, 1904, Pt. II, p 176]
1861	9(2)	*Minors*	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kamrup, Lakhimpur Nowgong and Sibsagar*	*The extent to which the Act was, on the 22nd August, 1878, in force in those parts of British India which were not included in any Scheduled District.*		*See Notfn No* 1110, *dated 22nd August*, 1878, *ante*, p 517
"	"	*Ditto*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January*, 1875, *in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam.*		*See Notfn No* 1152, *dated* 3rd *October*, 1879, *ante*, p. 512
1862	3(1)	The Government Seal Act, 1862.	Ditto	Ditto		Ditto
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills) (3)	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite.		*See* Notfn, No 1242, dated 1st April, 1897, *ante*, p 513
1863	16(1)	The Excise (Spirits) Act, 1863	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam.		*See* Notfn. No 1152, dated 3rd October, 1879, *ante*, p 512.

(1) Printed in General Acts, 1834-67, Ed 1898
(2) Act 9 of 1861 has been repealed by the Guardians and Wards Act, 1890 (8 of 1890).
(3) The operation of this Act has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd.

2 Assam—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force *or extended*	Extent to which declared in *force or extended*	Restrictions and modifications	Notification
			(2) —Acts of the Governor General of India in Council—contd			
1863	16[1]	The Excise (Spirits) Act 1863—*contd*	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any *enactment extending to the territory mentioned* in column 4 opposite.		*See* Notfn. No 1242, dated 1st April, 1897, *ante*, p 513.
"	20[1]	The Religious Endowments Act, 1863.	Declared in force in Assam (except the North Lushai Hills) [2]	Ditto		*Ditto.*
"	23[1]	The Waste lands (Claims) Act, 1863.	Declared in force in the District of Sylhet	So much as was *in force on the* 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		*See* Notfn No 1152 dated 3rd October, 1879, *ante*, p 512.
"	"	Ditto . .	Declared in force in the Districts of Cachar (*excluding the* North Cachar Hills), Darrang Goalpara	The extent to which the Act was on the 22nd August, 1878, in force in those parts of British India which were	..	*See* Notfn No 1110, dated 22nd August, 1878, *ante*, p. 517

			(excluding the Eastern Duárs) Kámrup Lakh impur, *Nowgong* and Sibsagar	not included in any Scheduled *District*		
"	"	Ditto	Declared in force in the *tract* transferred from the Nága Hills District to the Sibsagar District and defined in Notification No 1436 P dated the 11th April 1901	*So* much as was in force on the 1st January, 1875 in those parts of Bengal not included in any *Scheduled* District and had not been repealed by any enactment extending to Assam		See Notfn No 1439 dated 11th April 1901 *ante* p 518
"	31[1]	The Official Gazettes Act, 1863	Declared *in force* in the District of Sylhet	Ditto		See Notfn No *1152, dated 3rd October* 1879, *ante*, p 512
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills)[2]	So much as was in force on the *1st January*, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite		See Notfn No 1242 dated 1st April 1897 *ante* p 513
1864	3[1]	The Foreigners Act, 1864	Declared in force in the District of Sylhet	*So* much as was in force on the 1st January, 1875, in those parts of Bengal not included *in any* Scheduled District and had not been repealed by *any* enactment extending to Assam		See Notfn No 1152 dated 3rd Octob , 1879 *ante* p 512

[1] [illegible] 1866-67, Ed 1898
[2] [illegible] has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd

2.—ASSAM—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject.	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(2).—*Acts of the Governor General of India in Council*—contd				
1864	3 [1]	The Foreigners Act, 1864—*contd*	Declared in force in the rest of Assam (except the North Lushai Hills), [2]	So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had *not* been repealed by any enactment extending to the territory mentioned in column 4, opposite		See Notfn No 1242, dated 1st April 1897, *ante*, p 513
"	6 [1]	The Whipping Act, 1864	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam.		See Notfn No 1152, dated 3rd October, 1879 *ante*, p 512
"	"	Ditto . .	Declared in force in the Districts of Cachar (excluding the North Cachar Hills) Darrang Goálpara (excluding the Eastern Duars) Kamrup Lakhimpur, Nowgong and Sibsagar	The extent to which the Act was, on the 22nd August, 1878, in force in those parts of British India which were not included *in* any Scheduled District	.	See Notfn No 1110, dated 22nd August, 1878, *ant*, p 517

*	"	Ditto . .	Declared in force in the Eastern Duárs in the Goálpára District and the North Cachar Hills in the Cachar District.	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite.	..	See Notfn. No 1242, dated 1st April, 1897, ante, p. 513.
	"	Ditto	Extended to the Districts of the Gáro Hills, the Khási and Jaintia Hills and the Nága Hills	The whole	..	*The 1st April, 1897* *No* 1243 *J*—In exercise of the power conferred by section 5 of the Scheduled Districts Act (14 of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased— (1) to extend sections 5 and 6 of Act 3 of 1895 (amending Act 6 of 1864) to the Districts of Sylhet, Kámrup, Nowgong, Darrang, Sibságar, Lakhimpur, Cachar (excluding the North Cachar Hills) and Goálpára (excluding the Eastern Duárs), (2) to extend Act 6 of 1864 (*an Act to authorize the punishment of whipping in certain cases*) to the Districts of the Gáro Hills, the Khási and Jaintia Hills and the Nága Hills;

* Printed in General Acts, 1834 67, Ed. 1898
† The operation of this Act has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd.

2.—Assam—*contd*

1	2	3	4	5	6	7
Year	No	*Short title or subject*	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	*Notification*
		(2).—*Acts of the Governor General of India in Council*—contd				
1864	6 (1)	The Whipping Act 1864—*contd*				(3) to extend Act 9 (B. C.) of 1879 (the Court of Wards Act, 1879) to the Districts of Kámrup, *Nowgong*, Darrang, Sibságar and Lakhimpur; (4) to extend Act 3 (B. C.) of 1881 (*an Act to amend the Court of Wards Act*, 1879), to the Districts of Cachar and Goálpára; and (5) to extend Act 4 of 1892 (*an Act to amend the Bengal Court of Wards Act*, 1879) to the Districts of Sylhet, Cachar and Goálpára. [*See* Gazette of India, 1897, Pt. I, p. 301; *Assam Gazette*, 1897, Pt. II, p. 287; the Assam Local Statutory Rules and Orders, Supplt., 1901, pp. 8, 10.]
..	..	Ditto . .	Extended to the Lushai Hills.	The whole . . .	..	*See* Notfn. No. 922, dated 1st April, 1898, *ante*, p. 555.

"	"	Ditto	Extended to the tract in the Lushai Hills District which was transferred from the Cachar District by Notification No 1092, dated the 16th March, 1901	Ditto		See Notfn No 1096, dated 16th March 1904, ante, p 556
1865	3 [1]	The Carriers Act, 1865.	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		See Notfn. No. 1152, dated 3rd October, 1879, ante, p 512
"	"	Ditto . .	Declared in force in the rest of Assam (except the North Lushai Hills) [2]	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		See Notfn No 1242 dated 1st April, 1897, ante, p 513
"	11 [3]	*Mufassal Small Cause Courts*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*	..	See Notfn No 1152, dated 3rd October, 1879, ante, p 512
"	15 [1]	The Pársí Marriage and Divorce Act, 1865	Ditto . .	Ditto . . .	..	Ditto

[1] Printed in General Acts, 1834-67, Ed 1898
[2] The operation of this Act has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume
[3] Act 11 of 1865 has been repealed by the Provincial Small Cause Courts Act, 1887 (9 of 1887)

II.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd

2 ASSAM—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(2).—Acts of the Governor General of India in Council—contd				
1865	15(1)	The Pársi Marriage and Divorce Act 1865—*contd*	Declared in force in the rest of Assam (except the North Lushai Hills) (2)	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		*See* Notfn No 1242, dated 1st April 1897 *ante* p 513
"	21(1)	The Pársi Intestate Succession Act, 1865	Declared in force in the District of Sylhet.	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam.		*See* Notfn No 1152 dated 3rd October 1879 *ante*, p 512
"	"	Do . . .	Declared in force in the rest of Assam (except the North Lushai Hills) (2)	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite	..	*See* Notfn No. 1242, dated 1st April 1897, *ante*, p 513

1866	5 [3]	*The Policies of Insurance (Marine and Fire) Assignment Act, 1866.*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn. No* 1152, *dated 3rd October,* 1879, *ante, p* 512
"	"	*Ditto*	*Declared in force in the rest of Assam (except the North Lushai Hills)*	*So much as was in force on the 1st January* 1875, *in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite*		*See Notfn. No* 1242, *dated 1st April,* 1897, *ante, p* 513.
	10 [4]	*The Indian Companies Act* 1866	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January,* 1875, *in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn No* 1152, *dated 3rd October,* 1879, *ante, p* 512
"	21 [1]	The Native Converts' Marriage Dissolution Act, 1866.	Ditto	Ditto		Ditto
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai *Hills*) [2]	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite		See Notfn No 1242, dated 1st April, 1897 *ante*, p 513

[1] Printed in *General Acts* 1834 67, Ed 1898

[2] The operation of these Acts has since been barred in the whole of the Lushai Hills—*see* Table *D* in Appendix II to this Volume

[3] Act 5 of 1866 has been repealed by the Transfer of Property Act 1900 (2 of 1900) s 5

[4] Act 10 of 1866 has been repealed by the Indian Companies Act, 1882 (6 of 1882)

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd.

2.—ASSAM—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications.	Notification
			(2)—*Acts of the Governor General of India in Council*—contd.			
1866	28 (1)	The Trustees' and Mortgagees' Powers Act, 1866	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		See Notfn No 1152, dated 3rd October, 1879, *ante*, p 512
"	"	Ditto	Declared in force in the rest of Assam (except the North Lushai Hills).(2)	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite		See Notfn No 1242, dated 1st April, 1897, *ante*, p 513
1867	3 (3)	The Public Gambling Act, 1867	Extended to Assam (2)	The whole		*The 26th November*, 1880 *No* 1244—In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor

					General in Council, to extend Act 3 of 1867 (*an Act to provide for the punishment of public gambling and the keeping of common gaming houses in the North Western Provinces, Punjab, Oudh, Central Provinces and British Burma*) [4] to the Chief Commissionership of Assam.[5]
					[See Gazette of India, 1880, Pt I, p 666, Assam Gazette, 1880, Pt II, p 614; the Assam Local Statutory Rules and Orders, 1893, p 53]
25[1]	The Press and Registration of Books Act 1867	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		See Notfn No 1152, dated 3rd October, 1879, *ante* p 512
	Ditto	Declared in force in the Districts of Cachar (excluding the North Cachar Hills) Darrang Goálpára (excluding the Eastern Duárs), Kámrúp, Lakhimpur, Nowgong and Sibságar	The extent to which the Act was on the 22nd August, 1878 in force in those parts of British India which were not included in any Scheduled District		See Notfn No 1110, dated 22nd August, 1878, *ante*, p 517

[1] Printed in General Acts, 1834-67, Ed 1898
[2] The operation of this Act has since been barred in the whole of the Lushai Hills—*see* Table D in Appendix II to this Volume
[3] Printed in Vol I, p 340
[4] The title to Act 3 of 1867 has since been altered—*see* Vol I, p 340
[5] The "Chief Commissionership of Assam" is the territory mentioned in Schedule A to the Bengal and Assam Laws Act, 1905 (7 of 1905)—*see ib*, s 3 and Sch D Pt I, cl VI, in Vol 1, pp 623, 625

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act 1874 (14 *of* 1874)—contd

2—ASSAM—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(2)—*Acts of the Governor General of India in Council—contd*				
1867	25 (1)	The Press and Registration of Books Act, 1867—*contd*	Declared in force in the Eastern Duars in the Goálpara District the Gáro Hills the Khási and Jaintia Hills the Nága Hills and the North Cachar Hills in the Cachar District	So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite		See Notfn No 1242, dated 1st April, 1897, *ante*, p 513.
1869	15 (2)	*The Prisoners Testimony Act*, 1869	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goálpara (excluding the Eastern Duars) Kamrup, Lakhimpur, Nowgong and Sibságar*	*The extent to which the Act was, on the 22nd August 1878 in force in those parts of British India which were not included in any Scheduled District*		*See Notfn No* 1110, *dated* 22*nd August*, 1878, *ante*, *p* 517
"	" (2)	*Ditto*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*	.	*See Notfn No* 1152, *dated* 3*rd October*, 1879, *ante*, *p* 512.

"		Ditto	Declared in force in the Eastern Duars in the Goalpara District, the Garo Hills the Khasi and Jaintia Hills the Naga Hills and the North Cachar Hills in the Cachar District	So much as was in force on the 1st January 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite		See Notfn. No 1242, dated 1st April, 1897, ante, p 513
1870	1 [3]	*The Indian Quarantine Act*, 1870	Declared in force in the District of Sylhet	So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam		See Notfn. No 1152, dated 3rd October, 1879, ante, p 512
	7 [4]	The Court fees Act 1870	Extended to the Dibrugarh Frontier Tract in the Lakhimpur District, the Gáro Hills and Khasi and Jaintia Hills Districts the Nowgong Mikir Hills Tract the Nága Hills District and the North Cachar Hills in the Cachar District	The whole	"Provided that the said Act shall not apply to any persons, being natives of any of the said local areas' (i e those mentioned in col 4), 'who are assessed to house tax instead of land revenue, except in such localities or classes of cases as the Deputy	The 13th September, 1897 No 992 J —In exercise of the power conferred by sections 5 and 5A of the Scheduled Districts Act, 1874 (14 of 1874) and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend *the Indian Stamp Act*, 1879 (1 of 1879), [5] and the Court-fees Act, 1870 (7 of 1870), to the Districts of the Gáro Hills the Khási and Jaintia Hills and the Nága Hills the North Cachar Sub Division of the Cachar District, the Mikir Hills Tract in the Nowgong District, and the Dibrugarh Frontier

[1] Printed in General Acts, 1834 67, Ed. 1898 p 63(?)
[2] Act 15 of 1870 has been repealed by the Prisoners Act, 1900 (3 of 1900)
[3] Act I of 1870 has been repealed by the Indian Ports Act, 1901 (3 of 1901)
[4] Printed in General Acts 1868 76 Ed. 1898 p 124
[5] Act 1 of 1879 has been repealed by the Indian Stamp Act 1899 (2 of 1899 which has been extended to all the areas mentioned in this Notification—*see post* p 587

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874).—contd.

2.—ASSAM—*contd.*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(2).—*Acts of the Governor General of India in Council*—contd.				
1870	7 [1]	The Court fees Act, 1870—*contd.*			Commissioner, with the sanction of the *Chief Commissioner,* [2] may from time to time withdraw from the operation of this proviso."[3]	Tract in the Lakhimpur District. Provided that the said Acts *shall not apply to any persons,* being natives of any of the said local areas, who are assessed to house-tax instead of land revenue, *except* in such localities or classes of cases as the Deputy Commissioner, with the sanction of the Chief Commissioner,[2] may from time *to time* withdraw *from the* operation of this proviso. [3] [*See* Gazette of India, 1897, Pt I, p. 872, Assam Gazette, 1897, Pt II, p. 861, the Assam Local Statutory Rules and Orders, Supplt., 1901, p. 9.]
"	"	Ditto .	Extended to the Lushai Hills District	The whole .	"Provided that the said Act	*The 12th November,* 1904 *No.* 4949.J.—In exercise of the powers conferred by

				shall not apply to any *natives of* the district except in such localities or classes of cases as the Superintendent, *with the* sanction of the Chief Commissioner,[2] may from time to time withdraw from the operation of this proviso	sections 5 the Scheduled 874 (*14 of 187* the previous the Governor G ncil, the Chief of Assam is end the Court 7 of 1870) and amp *Act, 1899* the District of ls Provided th Acts shall not a ives of the Distr uch localities o ases as the Sup with the sanct hief Commissioner,[2] may from time to time withdraw from the operation of this proviso [*See* Gazette of India, 1904, Pt. I, p 913, Assam Gazette, 1904, Pt II, p 787]

[1] Printed in General Acts, 1868-76, Ed 1898, p 124

[2] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act, 1905 (7 of 1905), s 3, and Sch D, Pt I cl II, in Vol I, pp. 623, 624

[3] The Local Government has authorized the withdrawal of the following classes of cases and localities from the operation of this proviso, namely—

(1) in the Khási and Jaintia Hills District—
- (*a*) transactions between natives of the Khási and Jaintia Hills District and persons who are not natives of that District,
- (*b*) all civil and criminal cases instituted before British Courts,
- (*c*) miscellaneous petitions filed before Civil Courts
- (*d*) all documents executed at Cherra station, Sohbar and Nongjirih in connection with the working of lime, coal and other mineral products,

(2) in the Nága Hills District—
- (*i*) Mouza Dimapur,
- (*ii*) all money suits in which Angami Nágas only are concerned—

See the Assam Stamp Manual, 1903, p 182

B.—Chronological Tables of Enactments declared in force in, or extended to Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874).—contd

2.—ASSAM—contd

1	2	3	4	5	6	7
Year	No	Short title or subject.	Place in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(2).—*Acts of the Governor General of India in Council*—contd				
1871	6 (1)	The Bengal Civil Courts Act, 1871	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		See *Notfn No* 1152, *dated 3rd October* 1879, *ante p* 512
"	"	*Ditto*	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duárs) Kámrúp, Lakhimpur, Nowgong and Sibsagar*	*Ditto*		*See Notfn No* 1110, *dated 22nd August*, 1878, *ante*, p 517
1874	14 (x)	The Scheduled Districts Act, 1874	Declared in force in Assam.	The whole	.	*The 3rd November*, 1877 No 1651.—In exercise of the power conferred by section 3 of Act 14 of 1874 (the Scheduled Districts Act), the Chief

						Commissioner of Assam is pleased, *with the previous sanction of the Governor* General in Council, to declare that the said Act is in force in the Chief Commissionership of *Assam* [3] [*See Gazette of India*, 1877, Pt I, p 602; Assam Gazette, 1877, Pt I, p 383, the Assam Local Statutory Rules and Orders, 1893, *p* 49]
"		Ditto	Declared in force in the Lushai Hills	Ditto		*The* 1*st April*, 1898 No 921 P —In exercise of the powers conferred by section 3, clause (*a*), of the *Scheduled* Districts Act, 1874 (14 of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to declare that the said Act is in force in the territories formerly known as the North and South Lushai Hills and the tract known as *Rutton* Puiya's villages, including Demagri, and now known as the Lushai Hills [*See* Assam Gazette, 1898, Pt I, p *379* the Assam Local Statutory Rules and Orders, Supplt, 1901, p 8]

[1] Act 6 of 1871 has been repealed by the Bengal, Agra and Assam Civil Courts Act, 1887 (12 of 1887)
[2] Printed in General Acts, 1868 76 Ed 1898 p 467.
[3] The 'Chief Commissionership of Assam' is the territory mentioned in Schedule A to the Bengal and Assam Laws Act, 1905 (7 of 1905)—*ante*, s 3, and Sch *B*, Pt *I*, cl *VI* in Vol *I*, pp. 623, 625

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd

2. Assam—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(2).—*Acts of the Governor General of India of Council*—contd			
1874	14 [1]	The Scheduled Districts Act, 1874—*contd*	Declared in force in the tract in the Lushai Hills District which was transferred from the Cachar District by Notfn No. 1092 dated the 16th March 1904	The whole		*The 16th March 1904* *No.* 1095 P.—*In exercise of* the powers conferred by section 3, clause (*a*), of the Scheduled Districts Act, 1874 (14 of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to declare that the said Act is in force in the tract in the Lushai Hills District defined in Notification No. 1093-P., dated the 16th March, 1904. [*See* Assam Gazette, 1904 Pt II, p 176.]
1876	4 (3)	*Revenue Agents*	*Extended to the District of Sylhet*	Ditto		*The 25th September, 1879* *No.* 471.—*In exercise of the powers conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner is pleased, with*

						the previous sanction of the Governor General in Council, to extend Act 4 of 1876 (an Act to authorize Revenue Agents to practise in certain Munsiff's Courts) to the District of Sylhet [*See Gazette of India*, 1879, *Pt I*, p 617 *Published as No 24 dated 14th August*, 1879, *in Assam Gazette*, 1879, *Pt I*, p 504]
1877	1 (3)	The Specific Relief Act 1877	Extended to the Districts of Cachar (excluding the North Cachar Hills) Darrang *Goalpara* (excluding the Eastern Duars) Kamrup, Lakhimpur Nowgong Sibsagar and Sylhet	Ditto		*The 3rd November*, 1877 *No* 1653 —In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act 1 of 1877 (the Specific Relief Act) to the Districts of Kámrúp, Nowgong, Darrang, Sibságar, Lakhimpur, Goálpára (excluding the Eastern Duárs), Sylhet and Cachar (excluding the North Cachar Hills) [*See* Gazette of India, 1877, Pt I, p 66 , Assam Gazette, 1877, Pt I, p 383 , the Assam Local Statutory Rules and Orders, 1893, p. 54]

[illegible] p. 467
[illegible] has been repealed by the Legal Practitioners Act [illegible]
[illegible]

II—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act 1874 (14 *of* 1874)—contd

2—ASSAM—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(2)—Acts of the Governor General of India in Council—contd				
1877	1 (1,	The Specific Relief Act 1877—*contd*	Extended to the tract transferred from the Nága Hills District to the Sibságar District and defined in Notification No 1430 P, dated the 11th April, 1901	The whole		*The* 11*th April*, 1901 *No* 1440 J—In exercise of the power conferred by section 5 of the Scheduled Districts Act 1874 (14 of 1874) and with the previous sanction of the Governor General in Council the Chief Commissioner of Assam is pleased in modification of Notification No 3151 J dated the 4th August 1898 [2] to extend to the tract in the Sibságar District defined in Notification No 1430 P, dated the 11th April 1901 [3] the Acts mentioned in the Schedule hereto annexed to the extent set forth in the third column thereof (Here follows the Schedule which contains, among other enactments Act 1 of 1877) [*See* Assam Gazette 1901 Pt II p 284]

3[1]	The Indian *Registration* Act, 1877	*Extended* to the Civil Station and Cantonment of Shillong in the Khasi and Jaintia Hills District	Ditto		*The 12th November*, 1878 *No* 2068.—In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act 3 of 1877 (the Indian Registration Act) to that part of the Khasi and Jaintia Hills District which is comprised within the limits of the Civil Station and Cantonment of Shillong [*See* Gazette of India, 1878, Pt I, p 662; Assam Gazette, 1878, Pt II, p 570, the Assam Local Statutory Rules and Orders, 1893, p 54.]
	Ditto	Extended to the Jowai Sub Division of the Khási and Jaintia Hills District with the ex*ception of the Bhoi,* Nongphyllut and Narpuh Circles	Ditto		*The 20th November*, 1906 *No* 12306-J.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (14 of 1874), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Eastern Bengal and Assam is pleased to extend, with effect from the 1st January, 1907, the Indian Registration Act, 1877 (3 of 1877), to the Jowai Sub Division of the Khási and

[1] Printed in General Acts, 1877 81 Ed 1898
[2] This notification is noted in Table D in Appendix II to this Volume
[3] Published in Assam Gazette, 1901, Pt II p 283

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd.

2.—Assam—*contd.*

1	2	3	4	5	6	7
Year	No.	Short title or subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications.	Notification
		(2).—*Acts of the Governor General of India in Council*—contd.				
1877	3 (1)	The Indian Registration Act 1877—*contd*				Jaintia Hills District, with the exception of the Bhoi Nongphyllut and Nirpuh Circles [*See* E B and A Gazette 1906, Pt II, p 1163 Published as No 2366, dated 12th October, 1906, in Gazette of India, 1906, Pt I, p 732]
,,	,,	Ditto	Extended to the tract transferred from the Nága Hills District to the Sibságar District and defined in Notification No 1436 P, dated the 11th April, 1901	The whole	—	*See* Notfn No 1440 dated 11th April, 1901, *ante* p 570
,,	10 (2)	*The Code of Civil Procedure*	*Extended to the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kámrup, Lakhimpur, Nowgong, Sibsagar and Sylhet*	*The whole Act, except ss 1 and 3, which were already in force.*	—	*The 3rd November, 1877 No 1652—In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act 10 of 1877 (the Code of*

						Civil Procedure) to the Districts of Kamrup, Nowgong, Darrang, Sibsagar, Lakhimpur, Goalpara (excluding the Eastern Duars), Sylhet and Cachar (excluding the North Cachar Hills) except sections 1 and 3, which are already in force in the said districts [*See Gazette of India*, 1877, *Pt I, p* 662, *Assam Gazette*, 1877, *Pt I, p* 383]
1879	1[3]	*The Indian Stamp Act*, 1879	*Extended to the Dibrugarh Frontier Tract in the Lakhimpur District, the Gáro Hills and Khasi and Jaintia Hills Districts, the Nowgong Mikir Hills Tract, the Naga Hills District and the North Cachar Hills in the Cachar District*	*The whole* .	*Provided that the said Act shall not apply to any persons, being natives of any of the said local areas" [i e those mentioned in column 4] "who are assessed to house tax instead of land revenue, except in such localities or classes of cases as the*	*See Notfn No* 992, *dated* 13*th September*, 1897, *ante*, p 569

[1] Printed in General Acts, 1877 81, Ed 1898
[2] Act 10 of 1877 has been repealed by s. 3 of Act 14 of 1882 (the Code of Civil Procedure) which extends to Assam
[3] Act 1 of 1879 has been repealed by the Indian Stamp Act, 1899 (2 of 1899), which has been extended to all the areas mentioned opposite the former Act in column 4 of this List—*see post*, p 587

II.—*Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act*, 1874 (14 *of* 1874)—contd.

2 ASSAM—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(2) — *Acts of the Governor General of India in Council*—contd				
1879	1	*The Indian Stamp Act* 1879—*contd*			*Deputy Commissioner, with the sanction of the Chief Commissioner, may from time to time withdraw from the operation of this proviso"*	
"	12	*The Code of Civil Procedure Amendment*	*Extended to the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kamrup, Lakhimpur, Nowgong, Sibsagar and Sylhet*	*The whole Act except so much as amends the Indian Registration and Limitation Acts* 1877, *which was already in force.*		*The 31st December*, 1880. *No* 1402 —*In exercise of the power conferred by section* 5 *of Act* 14 *of* 1874 (*the Scheduled Districts Act*, 1874) *the Chief Commissioner of Assam is pleased, with the previous sanction of the President in Council, to extend Act* 12 *of* 1879 (*an Act to amend the Code of Civil Procedure, the Registration Act*, 1877, *and the Limita*

						tion Act, 1877[1]*), except so much as amends the Indian Registration Act 1877, and the Indian Limitation Act, 1877, which is already in force, to the Districts of Kámrup, Nowgong, Durrang Sibsagar, Lakhimpur, Goalpara (excluding the Eastern Duars), Sylhet and Cachar (excluding the North Cachar Hills)* [*See Gazette of India*, 1881, *Pt I, p* 2, *and Assam Gazette*, 1881, *Pt II, p* 24]
1882	14[2]	The Code of Civil Procedure	Ditto . . .	The whole, except sections 1 and 3, which were already in force	...	*The 1st June*, 1882 *No* 763 —In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act, 1874), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act 14 of 1882 (the Code of Civil Procedure) to the Districts of Kámrúp Nowgong, Darrang, Sibságar, Lakhimpur, Goálpára (excluding the Eastern Duárs), Sylhet and Cachar (excluding the North Cachar Hills), except sections 1 and 3 which are
			...	...	...	

(1) So much of Act 12 of 1879 as amended the Code of Civil Procedure has been repealed by s 3 of Act 14 of 1882 (the Code of Civil Procedure) which extends to Assam

(2) Act 14 of 1882 is printed in General Acts, 1882 84 Ed 1898, p 262 The operation of the Act has since (on May 6, 1884) been barred, by Notifications under the Assam Frontier Tracts Regulation, 1880 (2 of 1880) in the Dibrugarh Frontier Tract (in the Lakhimpur District) and the Nowgong Mikir Hills Tract — *see* Table D in Appendix II to this Volume, but at a later date (November 28 1888) ss 223 to 228 of the Act were extended to these tracts—*see post*, p 582

B.—*Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act*, 1874 (14 *of* 1874)—contd.

2.—ASSAM—*contd.*

1	2	3	4	5	7	7
Year	No.	Short title or subject.	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(2).—*Acts of the Governor General of India in Council*—contd.				
1882	14[1]	The Code of Civil Procedure—*contd.*				already in force in the said Districts [*See* Gazette of India, 1882, Pt I, p. 218. Published as No 45 in Assam Gazette, 1882, Pt I, p 232. See also the Assam Local Statutory Rules and Orders, 1893, p 51]
"	"	Ditto	Extended to the tract transferred from the Nága Hills District to the Sibságar District and defined in Notification No 1430 P., dated the 11th April, 1901.	So much as was not already in force	.	*See* Notfn. No 1440, dated 11th April, 1901, *ante*, p 576
"	"	Ditto . .	Extended to the Dibrugarh Frontier Tract in the Lakhimpur District, the Eastern Duárs in the Goálpara District, the Gáro Hills, the Khási and Jaintia Hills,	Ss. 223 to 228	..	*The 28th November*, 1888 In exercise of the power conferred by section 5 of the Scheduled Districts Act (14 of 1874), the Chief Commissioner of Assam, with the previous sanction of the Governor General in Council,

		the Nága Hills District, the North Cachar Hills in the Cachar District, and the Nowgong Mikir Hills Tract.		cil, extends sections 223 to 228 of the Code of Civil Procedure, Act 14 of 1882, to the Districts of the Garo, Khási and Jaintia and Naga Hills, and to the Eastern Duars in Goalpára, the North Cachar Hills in Cachar, the Mikir Hills Tract in Nowgong, and the Dibrugarh Frontier Tract in Lakhimpur [See Gazette of India, 1888, Pt I, p 546 Published as No 132 J, dated 22nd November, 1888, in Assam Gazette, 1888, Pt II, p 474 See also the Assam Local Statutory Rules and Orders, 1893, p 54]
"	Ditto	Extended to the Mokokchang Sub Division of the Naga Hills District	Ditto	*The 16th January*, 1891 *No* 169 *J* —In exercise of the power conferred by section 5 of the Scheduled Districts Act, (14 of 1874), the Chief Commissioner, with the previous sanction of the Governor General in Council, extends sections 223 to 228 of the Code of Civil Procedure, Act 14 of 1882, to the Mokokchang Sub Division of the Nága Hills District [See Gazette of India, 1891, Pt I, p 252; Assam Gazette, 1891, Pt II, p. 30; the Assam Local Statutory Rules and Orders, 1893, p 54]

B.—*Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act,* 1874 (14 *of* 1874)—contd

2.—Assam—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification.
			(2) —*Acts of the Governor General of India in Council*—contd.			
1888	7(1)	The Civil Procedure Code Amendment Act, 1888	Extended to the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goálpára (excluding the Eastern Duárs), Kámrup, Lakhimpur (excluding the Dibrugarh Frontier Tract), Nowgong (excluding the Mikir Hills Tract), Sibságar and Sylhet	The whole Act, except section 63, and except so much of the Act as amends the Indian Registration and Limitation Acts, 1877, which was already in force		*The 27th October,* 1888 In exercise of the power conferred by section 5 of the Scheduled Districts Act, (14 of 1874), the Chief Commissioner of Assam, with the previous sanction of the Governor General in Council, extends to the undermentioned Districts the Civil Procedure Code Amendment Act, (7 of 1888), except section 63, and except so much of the Act as amends the Indian Registration Act, 1877, and the Indian Limitation Act, 1877, which is already in force: Districts of Kámrúp, Nowgong (excluding the Mikir Hills Tract), Darrang, Sibságar, Lakhimpur (excluding the Dibrugarh Frontier Tract), Goálpára (excluding the Eastern Duárs), Sylhet and

					Cachar (excluding the North Cachar Hills) [*See* Gazette of India, 1888, Pt I, p 478 Published as No. 121, dated 11th October, 1888, in Assam Gazette, 1888, Pt II, p 405 *See* also the Assam Local Statutory Rules and Orders, 1893, p 54]
„	10[1]	Code of Civil Procedure *Amendment*	Ditto	Ss 1 and 3	*The 8th May*, 1889 *No* 44 *J*—In exercise of the power conferred by section 5 of the Scheduled *Districts* Act, (14 of 1874), the Chief Commissioner of Assam, with the previous sanction of the Governor General in Council, extends to the undermentioned districts sections 1 and 3 of Act 10 *of 1888 (an Act to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act*, 1882) — Districts of Kámrúp, Nowgong (excluding the Mikir Hills Tract), Darrang, Sibságar, Lakhimpur (excluding the Dibrugarh Frontier Tract), Goálpára (excluding the Fastern Duárs), Sylhet and Cachar (excluding the North Cachar Hills) [*See* Gazette of India, 1889, Pt. I, p 292, Assam Gazette, 1889, Pt. II, p. 170; the Assam Local Statutory Rules and Orders, 1893, p 55]

[1] Printed in General Acts, 1885-90, Ed. 1898

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd

2.—ASSAM—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(2)—*Acts of the Governor General of India in Council*—contd				
1892	4(1)	The Court of Wards Act (Bengal) Amendment Act, 1892.	Extended to the Districts of Cachar Goálpára and Sylhet.	The whole		*See* Notfn No 1243 dated 1st April 1897, *ante*, p 561
1895	3(2)	The Indian Criminal Law Amendment Act 1895	Extended to the Districts of Cachar (excluding the North Cachar Hills) Darrang Goálpára (excluding the Eastern Duárs), Kámrup Lakhimpur, Nowgong Sibságar and Sylhet	Ss 5 and 6		Ditto
"		Ditto	Extended to the tract transferred from the Nága Hills District to the Sibságar District and defined in Notification No 1436 P, dated the 11th April, 1901	S 5		*See* Notfn No 1440, dated 11th April, 1901, *ante*, p 570

1898	5[2]	The Code of Criminal Procedure, 1898	Ditto	The whole . .	—	Ditto
1899	2[3]	The Indian Stamp Act, 1899	Extended to the Dibrugarh Frontier Tract the Gáro Hills and Khási and Jaintia Hills Districts the Mikir Hills Tract the Nága Hills District and the North Cachar Hills in the Cachar District	Ditto .	"Provided that the said Act shall not apply to any persons being natives of any of the said areas" [i e, those mentioned in col 4] who are assessed to [illegible]	*The 19th February*, 1903 *No* 503 J.—In exercise of the powers conferred by sections 5 and 5A of the Scheduled Districts Act, 1874 (14 of 1874) and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend the Indian Stamp Act, 1899 (2 of 1899), to the Districts of the Gáro Hills the Khási and Jaintia Hills and the Nága Hills the North Cachar Sub Division of the Cachar District, the Mikir Hills Tract and the Dibrugarh Frontier Tract Provided that the said Act shall not apply to any persons being natives of any of the said areas, who are assessed to house tax instead of land revenue, except in such localities or classes of cases as the Deputy Commissioner, with the sanction of the Chief Commissioner[4], may from time to time with

[1] Printed in Vol I, p 408.
[2] Printed in General Acts, 1891-98, Ed 1899
[3] Printed in General Acts, 1899-03 Ed 1904 p 6
[4] Now the Local Government of Eastern Bengal and Assam—*see* the Bengal and Assam Laws Act 1905 (7 of 1905) s 3, and Sch D, Pt I, cl. II, in Vol. I, pp. 623, 624

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd

2 —ASSAM—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(2).—Acts of the Governor General of India in Council—concld			
1899	2 [2]	The Indian Stamp Act, 1899—*contd.*			operation of this proviso"[2]	draw from the operation of this proviso[2]. [*See* Gazette of India, 1903 Pt I p 175, Assam Gazette, 1903, Pt II, p 98]
"	"	Ditto	Extended to the Lushai Hills District	The whole	"Provided that the said Act shall not apply to any natives of the district except in such localities or classes of cases as the Superintendent, with the sanction of the Chief Commissioner, [3] may from time to time	*See* Notfn. No 4949, dated 12th November, 1904, *ante*, p 570

withdraw from the operation of this proviso"

(1) Printed in General Acts, 1899 03, 1d 1904, p 6
(2) The Local Government has authorized the withdrawal of the following classes of cases and localities from the operation of this proviso, namely —
( ) in the Khási and Jaintia Hills District—
(a) transactions between the natives of the Khási and Jaintia Hills District and persons who are not natives of that District;
(b) all civil and criminal cases instituted before British Courts,
(c) miscellaneous petitions filed before British Courts,
(d) all documents executed at Cherra station Sohbar and Nongjirih in connection with the working of lime, coal and other mineral products,
(e) all transactions taking place at the Ishamati Railway station and its neighbourhood in connection with the Duwara Thana Railway, and the working of the lime, coal and other mineral products,
(f) all classes of transactions in the District except the following tracts, namely, the Bhoi Doloiship Jiringam, Narpuh, Nonglong, Nongjlyllut Nongriangsi and Saipung,
) in the Nága Hills District—
(i) Mauza Dimapur,
(ii) all money suits in which Angami Nágas only are concerned—
see the Assam Stamp Manual 1903, p 183, and Correction Slips Nos 2 and 3
(3) Now the Local Government of Eastern Bengal and Assam—see the Bengal and Assam Laws Act, 1905 (7 of 1905), s 3, and Sch D, Pt I, ed II in Vol I, pp 623 621

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd

2 ASSAM—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(3) —*Regulations made under the Government of India Act*, 1870 (33 and 34 *Vict*, *cap* 3)				
1873	5 (1)	Bengal Eastern Frontier Regulation, 1873	Extended to the Eastern Duárs in the Goalpára District	Ss 1 *to* 7 *and* 11 (*i e*, the whole Regulation, except ss. 8 to 10)		*The 30th April*, 1880 No 442 —*In* exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend sections 1 to 7 (both inclusive) and section 11 of Regulation 5 of 1873 (*a Regulation for the peace and government of certain Districts on the Eastern Frontier of Bengal*) to that part of the District of Goálpára known as the Eastern Duárs [*See* Gazette of India, 1880, Pt. I, p 255, Assam Gazette, 1880, Pt II, p 209 the Assam Local Statutory Rules and Orders, 1893, p 57]

..	..	*Ditto*	Extended to the Mokokchang Sub-Division of the Nága Hills District	Ditto		*The 30th December, 1890* *No* 5189 *J.*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, (14 of 1874), the Chief Commissioner of Assam, with the previous sanction of the Governor General in Council, extends the undermentioned enactments to the Mokokchang Sub-Division of the Nága *Hills District*.— Regulation 5 of 1873 (the Bengal Eastern Frontier Regulation, 1873), except sections 8, 9 and 10, *Regulation* 2 *of* 1875 (*the Assam Prisons Regulation*, 1875); [2] *Regulation* 3 *of* 1875 (*the Assam Hill Districts Whipping Regulation*, 1875, [3] Regulation 2 of 1883 (the Assam Police officers Regulation, 1883); Regulation 4 of 1890 (the Assam Military Police Regulation, 1890) [Gazette of India, 1891, Pt I, p 252; Assam Gazette, 1891, Part II, p 11; the Assam Local Statutory Rules and Orders, 1893, p 57]
1875	2[2]	*The Assam Prisons Regulation*, 1875	*Ditto*	*The whole*		*See Notfn No* 5189 *J.*, *dated* 30*th December*, 1890, *ante*, on this page

[1] Printed in Vol I, p 626
[2] Reg 2 of 1875 has been repealed by the Prisons Act, 1894 (9 of 1894)
[3] Reg 3 of 1875 has been repealed by the Repealing and Amending Act, 1897 (5 of 1897)

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd.

2.—ASSAM—*contd.*

1	2	3	4	5	6	7
Year	No.	Short title or subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Restrictions and modifications.	Notification.
		(3).—Regulations made under the Government of India Act, 1870 (33 and 34 Vict., cap. 3)—concld.				
1875	3[1]	*The Assam Hill Districts Mapping Regulation, 1875.*	*Extended to the Mokokchang Sub-Division of the Nága Hills District.*	*The whole.*		*See Notfn. No. 5189 J., dated 30th December, 1890, ante, p. 591.*
1880	2[2]	The Assam Frontier Tracts Regulation, 1880.	Ditto	The whole Regulation, except the second, third and fourth paragraphs of section 1, the words "in manner hereinbefore prescribed" in section 2, and the words "as aforesaid" in section 3.		... January, 1891. —In exercise of ...onferred by sec... the Scheduled ...ct, (14 of 1874), ...ommissioner of ... the previous ... the Governor ...Council, extends ...okchang Sub- ... the Nága Hills ... Assam Frontier ...gulation, (2 of ... the exception of ...1, third and paragraphs of the words "in ...reinbefore pre... section 2, and "as aforesaid"

						[*See* Gazette of India, 1891, Pt. I, p. 252, Assam Gazette, 1891, Pt II, p 30, the Assam Local Statutory Rules and Orders, 1893, p 58]
1883	2[2]	The Assam Police officers Regulation 1883	Ditto	The whole		*See* Notfn No 5189, dated 30th December, 1890, *ante*, p 591
"		Ditto	Extended to the Lushai Hills	Ditto		*See* Notfn No 922, dated 1st April, 1898 *ante* p. 555
		Ditto	Extended to the tract in the Lushai Hills District which was transferred from the Cachar District by Notfn No 1092 P dated the 16th March 1904	Ditto		*See* Notfn No 1096 P, dated 16th March, 1904, *ante*, p 556
1890	4 [3]	The Assam Military Police Regulation 1890	Extended to the Mokokchang Sub Division of the Naga Hills District.	Ditto		*See* Notfn No 5189 dated 30th December, 1890 *ante* p 591
		Ditto	Extended to the Lushai Hills	Ditto		*See* Notfn No 922, dated 1st April, 1898, *ante*, p 555
		Ditto	Extended to the tract in the Lushai Hills District which was transferred from the Cachar District by Notfn No 1092 P, dated the 16th March 1904	Ditto		*See Notfn No* 1096, dated 16th March 1904, *ante*, p 556

(1) Reg. 3 of 1872 has been repealed by the Repealing and Amending Act 1897 (5 of 1897)
(2) Printed in Vol. I of this Code
(3) The fourth paragraph has been repealed by the Assam Frontier Tracts Regulation (1880) Amendment Regulation 1898 (2 of 1898)

2 B

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd.

2.—ASSAM—*contd.*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(4).—Bengal Acts				
1862	3 (1)	*The Bengal Land-revenue Sales (Amendment) Act 1862*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn No 1152, dated 3rd October, 1879, ante, p. 512*
"	7 (1)	*The Bengal Land-revenue Resumption Act, 1862*	*Ditto*	*Ditto*		*Ditto*
"	8 (2)	*The Bengal Zamindari Dak Act, 1862.*	*Ditto*	*Ditto*		*Ditto*
"	"	*Ditto*	*Declared in force in the District of Goálpara (excluding the Eastern Duars)*	*So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District*		*See Notfn No 1110, dated 22nd August, 1878, ante, p 517*
1864	7 (2)	*The Salt Act 1864*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn No 1152, dated 3rd October, 1879, ante, p 512*

"	.	*Ditto*	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang Goalpara (excluding the Eastern Duars) Kamrup, Lakhimpur, Nowgong and Sibsagar*	*Ditto*		*See Notfn No 1110, dated 22nd August, 1878 ante, p 517*
1865	8[3]	The Bengal Rent Recovery Act, 1865	Declared in force in the District of Sylhet	Ditto		See Notfn No 1152, dated 3rd October, 1879, *ante*, p. 512
1866	1[4]	*Ferries (amending Ben Reg 6 of 1819)*	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills) Darrang Goalpara (excluding the Eastern Duars) Kamrup, Lakhimpur, Nowgong and Sibsagar*	*Ditto*		*See Notfn No 1110, dated 22nd August, 1878, ante p 517*
1868	3[1]	*The Bengal Land revenue Settlement Act, 1868*	*Declared in force in the District of Sylhet*	*Ditto*		*See Notfn. No 1152, dated 3rd October, 1879, ante p 512*
"	7[1]	*The Bengal Land revenue Sales Act 1868*	*Ditto*	*Ditto*		*Ditto*

[1] Ben Acts 3 and 7 of 1862 and 3 and 7 of 1868 have been repealed in Sylhet by the Assam Land and Revenue Regulation, 1886 (1 of 1886)
[2] Ben Acts 8 of 1862 and 7 of 1864 have been repealed in Assam by the Repealing and Amending Act 1897 (5 of 1897)
[3] Printed in Vol II of this Code
[4] Ben. Act 1 of 1866 has been repealed in Assam by the Repealing and Amending Act 1891 (12 of 1891)

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd

2.—Assam—*contd.*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(4).—*Bengal Acts*—contd.			
1869	I	The Bengal Cruelty to Animals Act, 1869	Declared in force in Assam [2]	The whole		*The 10th January, 1881* No 57—In exercise of the power conferred by section 3 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased with the previous sanction of the Governor General in Council, to declare that Bengal Acts 1 of 1869 (*an Act for the prevention of cruelty to animals*) and 3 of 1869 (*an Act to enable Police officers to arrest, without warrant, persons guilty of cruelty to animals*) are in force in the Chief Commissionership of Assam [3]. [*See* Gazette of India 1881, Pt I, p. 17, Assam Gazette, 1881, Pt. II. p 59, the Assam Local Statutory Rules and Orders, 1893 p 49.]

"	3(1)	The Bengal Cruelty to Animals (Arrest) Act, 1869	Ditto	The whole		See Notfn No 57, dated 10th January, 1881, *ante*, p 596
"	5(4)	*Courts of Session*	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn No 1152, dated 3rd October, 1879, ante, p 512*
"	"	*Ditto*	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kamrup, Lakhimpur, Nowgong and Sibsagar*	*Ditto*		*See Notfn No 1110, dated 22nd August, 1878, ante, p 517*
"	"	*Ditto*	*Declared in force in the tract transferred from the Naga Hills District to the Sibsagar District and defined in Notfn No 1436 P, dated the 11th April, 1901*	*Ditto*		*See Notfn No 1439, dated 11th April, 1901, ante, p 518*
"	8(1)	The Landlord and Tenant Procedure Act, 1869	Extended to the District of Goálpara	The whole		*The 9th May, 1892* *No 2050 J*—*In* exercise of the power conferred by section 5 of the Scheduled Districts (Act, 14 of 1874), the Chief Commissioner, with the

(1) Printed in Vol II of this Code
(2) The operation of this Act has since been barred in the Lushai Hills—*see* Table D in Appendix II to this Volume
(3) The "Chief Commissionership of Assam" is the territory mentioned in Schedule A to the Bengal and Assam Laws Act, 1905 (7 of 1905),—see s. 3 and Sch. D, Pt I, cl VI, in Vol I, pp 623, 625
(4) Ben. Act 5 of 1869 has been repealed by the Repealing and Amending Act 1903 (1 of 1903)

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd.

2.—ASSAM—*contd*

1 Year	2 No.	3 Short title or subject	4 Places in or to which declared in force or extended	5 Extent to which declared in force or extended	6 Restrictions and modifications	7 Notification
			(4).—*Bengal Acts*—contd			
1869	8 (1)	The Landlord and Tenant Procedure Act, 1869—*contd.*				previous sanction of the Governor General in Council, extends Act 8 (B C) of 1869 (*an Act to amend the Procedure in suits between Landlords and Tenants*) to the District of Goálpára under his administration. [*See* Gazette of India, 1892, Pt I, p 350, Assam Gazette, 1892, Pt. I, p 320, the Assam Local Statutory Rules and Orders, 1893, p 55.]
1870	4 (2)	*The Court of Wards Act, 1870*	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills) Darrang, Goálpára (excluding the Eastern Duars) Kamrup, Lakhimpur, Nowgong and Sibsagar*	*So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*	.	*See Notfn No 1110 dated 22nd August 1878, ante, p* 517

	Ditto	Declared in force in the District of Sylhet	Ditto		See Notfn No 1152, dated 3rd October, 1879, ante p 512
6[1]	The Village-chaukidari Act, 1870	Extended to the District of Goálpára	The whole		, 1878 [10th 1878] A exercise of the ed by section of 1874 (the istricts Act), mmissioner of ised, with the ion of the Gov l in Council t 6 (B C) of Bengal Cháuki l Act 1 (B C) Act to amend the kidari Act of e District of and to direct s conferred on t Governor of ctions 58 and d Act 6 (B C) ection 6 of the) of 1871, shall by himself] [3] f India, 1878, Assam Gaz Pt I, p 186, ocal Statutory Orders, 1893,

[1] Printed in Vol. II of this Code

[2] Ben. Act 4 of 1870 has been repealed by the Court of Wards Act, 1879 (Ben Act 9 of 1879) which has been extended to all the districts mentioned opposite the former Act in column 4 of this list—see post p

[3] The powers of the Lieutenant Governor of Bengal under these Acts are now exercisable in Assam by the Lieutenant Governor of Eastern Bengal and Assam—see the Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I, cl I in Vol I p 623 621 S 6 of Ben Act 1 of 1871 has been repealed by the Repealing and Amending Act 1897 (5 of 1897)

B.- Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd.

2—Assam—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(4)—*Bengal Acts*—contd			
1870	6(1)	The Village chaukidárí Act, 1870—*contd*	Extended to the Districts of Cachar and Sylhet		In section 2, *for* "Section 21, Regulation 20 of 1817" *read* "The Sylhet and Cachar Rural Police Regulation 1883."	*The 7th June* 1897 *No* 2295 J—In exercise of the powers conferred by sections 5 and 5A of the Scheduled Districts Act, 1874 (14 of 1874) and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to extend, to the Districts of Sylhet and Cachar, the provisions of the Village Chaukídárí Act, 1870 (Bengal Act 6 of 1870) as amended and amplified by Bengal Acts 1 of 1871, 1 of 1886 and 3 of 1892 Provided that for the purposes of the application of the said Acts so extended, the following modifications therein shall be made, namely — (1) in section 2 of the said Bengal Act 6 of 1870, and

						also in section 1 of the said Bengal Act I of 1871, for the words and numerals ' Section 21, Regulation 20 of 1817,' shall be read " The Sylhet and Cachar Rural Police Regulation, 1883," [(2) *all references in the said Acts to the Calcutta Gazette shall be read as referring to the Assam Gazette*] [2] [*See Gazette of India*, 1897, Pt I p 680 Assam Gazette, 1897, Pt II p 570, the Assam Local Statutory Rules and Orders Supplt, 1901, p 10]
1871	111	The Bengal Village Chaukidari Act 1871 [1]	Extended to the District of Goalpara	The whole		See Notfn No 580 dated 1st (10th) May 1878 *ante* p 599
"		Ditto	Extended to the Districts of Cachar and Sylhet	Ditto	In section 1 *for* ' Section 21 Regulation 20 of 1817 ' *read* 'The Sylhet and Cachar Rural Police Regulation 1883	*See* Notfn No 2295 dated 7th June 1897 *ante* p 600
1873	113	*The Bengal Salt Act* 1873 [3]	*Declared in force in the District of Sylhet*	*So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn No* 1152 *dated* 3rd *October* 1879 *ante*, p 512

[1] Printed in Vol II of this Code

[2] All references in these *Acts to the Calcutta Gazette are now in Assam* to be read as referring to the E B and A Gazette—*see* the Eastern Bengal and Assam Laws Act 1905 (7 of 1905) s 3 and Sch D Pt I cl VII in Vol I pp 623 625

[3] Ben Act I of 1873 has been repealed in Assam by the Repealing and Amending Act, 1897 (5 of 1897)

B —Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd

2 —ASSAM—*contd*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(4) —*Bengal Acts*—contd			
1873	III	*The Bengal Salt Act 1873*—contd	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills) Darrang Goalpara (excluding the Eastern Duars) Kamrup Lakhimpur, Nowgong and Sibsagar*	*So much as was in force on the 1st January 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam*		*See Notfn No. 1110, dated 22nd August 1878 ante p 517*
"	3[illegible]	*Excise*	*Ditto*	*Ditto*		
"	.	*Ditto*	*Declared in force in the District of Sylhet*	*Ditto*		*Ditto*
"	6[illegible]	*The Bengal Embankment Act, 1873*	*Ditto*	*Ditto*		*See Notfn No 1162, dated 3rd October 1879 ante p 512*
"	.	*Ditto*	*Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars) Kamrup, Lakhimpur, Nowgong and Sibsagar*	*Ditto*		*Ditto* *See Notfn No 1110, dated 22nd August 1878, ante p 517*

1874	1[3]	Police (amending Act XXI of 1856)	Ditto	Ditto		Ditto
"	"	Ditto	Declared in force in the District of Sylhet	Ditto		See Notfn No 1152, dated 3rd October, 1879 ante, p 512
1875	5[4]	The Bengal Survey Act, 1875	Extended to the Districts of Goalpara and Sylhet	The whole		The 22nd February, 1878 No 109 —The following Notification by the Chief Commissioner of Assam, dated the 31st January, 1878, is hereby published for general information — In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council to extend Act 5 (B C) of 1875 (the Bengal Survey Act) to the Districts of Sylhet and Goalpara. [See Gazette of India, 1878 Pt I, p 95, Assam Gazette, 1878, Pt I, p 59]
"		Ditto	Extended to the District of Cachar	The whole		The 7th February 1879 No 75 —The following Notification by the Chief Commissioner of Assam dated the 2nd January, 1879, is

[1] Ben Acts I and 6 of 1873 have been repealed in Assam by the Repealing and Amending Act 1897 (5 of 1897)
[2] Ben Act 3 of 1873 has been repealed in Assam by the Bengal Excise and Licensing Act 1878 (Ben Act 7 of 1878)
[3] Ben Act I of 1874 has been repealed by the Repealing and Amending Act, 1903 (1 of 1903)
[4] Ben Act 5 of 1875 has been repealed in Assam by the Repealing and Amending Act, 1891 (12 of 1891)

B.—Chronological Tables of Enactments declared in force in, or extended to Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd.

2.—ASSAM—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(4).—*Bengal Acts*—contd			
1875	5 (B C)	*The Bengal Survey Act, 1875—contd*				*hereby published for general information —* *No 1 —In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner is pleased, with the previous sanction of the Governor General in Council, to extend Act 5 (B C) of 1875 (the Bengal Survey Act) to the District of Cachar.* [*See Gazette of India*, 1879, *Pt I, p* 97, *Assam Gazette*, 1879, *Pt I, p* 2]
1876	1 (B C)	The Bengal Muhammadan Marriages and Divorces Registration Act, 1876.	Extended to the District of Sylhet .	The whole Act, except s 1		*The 15th December, 1881* No 1592 —In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor

					General in Council, to extend Act 1 (B C) of 1876 (*an Act to provide for the voluntary registration of Muhammadan Marriages and Divorces*) with the omission of section 1, to the District of Sylhet, in the Chief Commissionership of Assam [3] [*See Gazette of India, 1881*, Pt I, p 607, Assam Gazette, 1881, Pt II, p 574, the Assam Local Statutory Rules and Orders, 1893, p 55]
	1 1	Extended to the District of Cachar	The whole Act except s 1		*The 25th June*, 1883 *No* 926—In exercise of the power conferred by section 5 of *Act 14 of 1874* (the Scheduled Districts Act) the *Chief* Commissioner of Assam is pleased with the *previous* sanction of the Governor General in Council, to extend Act 1 (B C) of 1876 (*an Act to provide for the voluntary registration of Muhammadan Marriages and Divorces*) with the omission of section 1, to the District of Cachar, in the Chief Commissionership of Assam [3] [*See* Gazette of India, 1883, Pt I p 265, Assam Gazette,

[1] [illegible] Act [illegible] of 187[illegible] has been repealed in Assam by the Repealing and Amending Act 1891 (12 of 1891)
[2] [illegible] in Vol II [illegible]
[3] The Chief Commissionership of Assam is now merged in the *Province of* Eastern Bengal and Assam—*see* Proclamations cited in the Preamble to the Bengal and Assam Laws Act 1905 (7 of 1905), in Vol 1, p [illegible]22

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd

2.—Assam—contd.

(4).—*Bengal Acts—contd*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
1876	1[1]	The Bengal Muhammadan Marriages and Divorces Registration Act, 1876—*contd*				1883, Pt. III, p 338, the Assam Local Statutory Rules and Orders, 1893, p 55]
"	"	Ditto	Extended to the Districts of Darrang, Goálpára, Kamrup, Lakhimpur, Nowgong and Sibságar	The whole Act except s 1		*The 26th June*, 1907. *No* 913.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (14 of 1874), and with the previous sanction of the Governor General in Council, the Lieutenant Governor is pleased to extend to the Districts of Goálpára, Kámrúp, Dárrang Nowgong, Sibságar and Lakhimpur, sections 2 to 26 (both inclusive) of the Bengal Muhammadan Marriages and Divorces Registration Act, 1876 (Ben Act 1 of 1876), together with the Schedule to the said Act [*See* E B and A Gazette, 1907, Pt. II, p 1001]

	5 (2)	The Bengal Municipal Act 1876	Extended to Assam [3]	The whole		*The 1st May,* 1878 No 73—In exercise of the power conferred by section 5, Act 14, 1874 (Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous *sanction of the Governor* General in Council to extend Act 5 (B C.) of 1876 (the Bengal Municipal Consolidation Act, 1876), to all the Districts comprised in the Chief Commissionership of Assam [4] [*See* Gazette of India, 1878, Pt I, p. 290 Published in the Assam Gazette, 1878, Pt I, p 185 under date 10th May, 1878 *See* also the *Assam Local Statutory Rules* and Orders 1893 p 55]
1878	7 (1)	The Bengal Excise and Licensing (5) Act 1878	Ditto	The whole	*The words or by the process described in Bengal Act 7 of 1868 " in section 36, shall not*	*The 14th February,* 1879 No 174—In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act) the Chief Commissioner of Assam is pleased with the previous sanction of the Governor

(1) Printed in Vol II of this Code
(2) Ben. Act 5 of 1876 is printed in Vol II p 217 It has been repealed in places in Assam (*see post*, pp 616, 617) to which the Bengal Municipal Act 1884 (Ben Act 3 of 1884) has been extended.
(3) The operation of these Acts has since been barred in the Lushai Hills—*see* Table D in Appendix II to this Volume
(4) The Chief Commissionership of Assam is the territory mentioned in Schedule A to the Bengal and Assam Laws Act, 1905 (7 of 1905)—*see* ss 3 and Sch D Pt I of VI in Vol I pp 623 625
(5) The words and Licensing were inserted in the short title of Ben Act 7 of 1878 by s 4 of the Bengal Excise and Licensing (Amendment) Act, 1903 (Ben Act 2 of 1903) 2 of 1907) which has not been extended to Assam

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd

2.—ASSAM—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject.	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(1)—*Bengal Acts*—contd			
1878	7	The Bengal Excise and Licensing Act 1878—*contd*			*xtend to any part of Assam in which Bengal Act 7 of 1868 is not in force* [1] For the first twenty three words of s 10 A (inserted by Ben Act I of 1883 s 6) read " In respect of excisable articles manufactured beyond the limits of the territories for the time being administered by the Chief Com	General in Council to extend Act 7 (B C) of 1878 (the Bengal Excise Act), to the Chief Commissionership of Assam [2] *subject to the pro so that the words " or by the process described in Bengal Act 7 of 1868 " in Act 7 of 1878 shall not extend to any part of Assam in which Bengal Act 7 of 1868 is not in force* [1] [See Gazette of India, 1873, Pt I p 106 Assam Gazette 1879 Pt II p 164, the Assam Local Statutory Rules and Orders 1893 I 58] *The 20th April 1901* No 2206 Ex —In continuation of the notifications cited on the margin, and in Notification of the Government of India in the Home Department

			missioner of Assam " [2]	No 174, dated the 14th February 1879 [3] and Notification of the Government of India in the Finance and Commerce Department, No. 1773, dated the 7th December, 1883 [4] the Governor Council is pleas[ed] that section Bengal Excise (Bengal Act 7 amended by Be[ngal] 1883), as e[xtended to] Assam, shall be the first twenty the following substituted, namely.— "In respect of exciseable articles manufactured beyond the limits of the territories for the time being administered by the Chief Commissioner of Assam "[2] [See Gazette of India, 1901, Pt I, p 260, Assam Gazette, 1901, Pt IIA, p. 385]

[1] The words here mentioned are not now in force in any part of Assam—see footnote [3] on p. 364 of Vol. II of this Code

[2] The "Chief Commissionership of Assam" is the territory mentioned in Schedule A to the Bengal and Assam Laws Act, 1905 (7 of 1905)—see ib., s. 3, and Sch. D, Pt. I, cl. VI, in Vol. I, pp. 623, 625

[3] Printed ante, p. 607

[4] Printed post, p. 614

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd

2 ASSAM—*contd*

1	2	3	4	5	6	7
Year	No	Short title or subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Restrictions and modifications	*Notification.*
			(4) —*Bengal Acts*—contd			
1879	9(1)	The Court of Wards Act, 1879	Extended to the Districts of Cachar, *Goálpára* and Sylhet	The whole		*The 28th January*, 1880. *No* 108.—In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act) the Chief Commissioner of Assam is pleased with the previous sanction of the Governor General in Council, to extend the provisions of Act 9 (B C) of 1879 (the Court of Wards Act) to the Districts of Sylhet, Cachar and Goálpára [*See* Gazette of India, 1880, Pt I, p 73; Assam Gazette, 1880, Pt II p 93 the Assam Local Statutory Rules and Orders, 1893 p 50]
„	„	Ditto	Extended to the Districts of Darrang, Kámrúp, Lakhimpur, Nowgong and Sibságar	The whole		*See* Notfn. No 1243 dated 1st April, 1897, *ante*, p 561

"	"	Ditto	Extended to the tract transferred from the Naga Hills District to the Sibsâgar District and defined in Notfn. No. 1436 P dated the 11th April, 1901	The whole	.	*See* Notfn No 1440, dated 11th April, 1901, *ante*, p 576
1880	5[1]	The Bengal Vaccination Act 1880	Extended to Assam [2]	The whole		*The 1st May, 1891* No 3830—In exercise of the power conferred by section 5 of the Scheduled Districts Act 14 of 1874, the Officiating Chief Commissioner, with the previous sanction of the Governor General in Council extends Act 5 (B C) of 1880 (the Bengal Vaccination Act, 1880) to the territories under his administration [3] [*See* Gazette of India 1891, Pt I p 273 Published as No. 3830 G in Assam Gazette, 1891, Pt. II, p 232 *See* also the Assam Local Statutory Rules and Orders, 1893, p 56]
"	7	*The Public Demands Recovery Act* 1880	*Extended to the Districts of Goalpára (excluding the Eastern Duárs) and Sylhet*	*The whole*	. . .	[4] *The 15th September*, 1881 *No* 1212—*In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is*

[1] Printed in Vol II of this Code
[2] The operation of this Act has since been barred in the Lushai Hills—*see* Table D in Appendix II to this Volume
[3] The "Chief Commissionership of Assam" is the territory mentioned in Schedule A to the Bengal and Assam Laws Act 1905 (7 of 1905)—*see ib*, s 3 and Sch D [illegible] in Vol I pp 623 625
[4] This Notification is cancelled by Notification No. 3184 R. dated 1st July 1905 printed *post* p 612

B.—*Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act*, 1874 (14 of 1874)—contd

2 Assam—*contd.*

1	2	3	4	5	6	7
Year	No	Short title or subject.	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(4) —*Bengal Acts*—contd			
1880	7	*The Public Demands Recovery Act*, 1880—contd				*pleased with the previous sanction of the Governor General in Council, to extend Act 7 (B C) of 1880 (the Public Demands Recovery Act) to the Districts of Sylhet and Goalpara (excluding the Eastern Duars), in the Chief Commissionership of Assam* [1] [*See Gazette of India*, 1881, *Pt I*, *p* 377, *Assam Gazette*, 1881, *Pt II*, p 432, *the Assam Local Statutory Rules and Orders* 1893, p 50] *The* 1st *July*, 1905 *No* 3184 R —*The Chief Commissioner of Assam, with the previous sanction of the Governor General in Council, cancels with effect from the* 1st *July*, 1905, *Notification No* 1212, *dated the* 15th *September*, 1881, [2] *issued by the*

						Government of India in the Home Department, extending the Public Demands Recovery Act, 7 (B C) of 1880, to the districts of Sylhet and Goalpara (excluding the Eastern Duars) [*See Assam Gazette*, 1905, *Pt II, p* 625]
881	3 [3]	The Bengal Court of Wards (Amendment) Act, 1881	Extended to the District of Sylhet	The whole		*The 4th November*, 1881 *No* 1446 —In exercise of the powers conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act 3 (B C) of 1881 (*an Act to amend the Court of Wards Act*, 1879) to the District of Sylhet, in the Chief Commissionership of Assam [1] [*See* Gazette of India, 1881, Pt I, p 539, Assam Gazette, 1881, Pt II, p 513; the Assam Local Statutory Rules and Orders, 1893, p 56
"	.	Ditto . .	Extended to the Districts of Cachar and Goálpára	The whole		*See* Notfn No 1243, dated 1st April, 1897, *ante*, p 561

[1] The Chief Commissionership of Assam is now merged in the Province of Eastern Bengal and Assam—*see* Proclamation cited in the preamble to the Bengal and Assam Laws Act, 1905 (7 of 1905), in Vol I, p. 622.
[2] Printed ante, p 611
[3] Printed in Vol. II of this Code

B.—*Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act*, 1874 (14 *of* 1874)—contd

2. ASSAM—*contd.*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
		(4) —*Bengal Acts*—contd.				
1881	4 (1)	The Bengal Excise Act Amendment Act, 1881.	Extended to Assam (2)	The whole	.	*The 23rd September*, 1881 *No* 3218 —In exercise of the power conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act 4 (B C) of 1881 (*an Act to amend the Bengal Excise Act*, 1878), to the Chief Commissionership of Assam (3) [*See* Gazette of India, 1881, Pt. I, p 429, Assam Gazette, 1881, Pt II, p. 440; the Assam Local Statutory Rules and Orders, 1893, p 56]
1883	1 (4)	The Bengal Excise (Amendment) Act, 1883.	Extended to Assam (2) .	The whole Act, except s 13 .		*The 7th December*, 1883 *No* 1773 —In exercise of the power conferred by section 5 of the Scheduled Districts

						Act, 1874, the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, *to extend* Act 1 (B C.) of 1883 (*an Act to amend the Bengal Excise Act* 1878), with the exception of section 13, to the Chief Commissionership of Assam [3] [*See* Gazette of *India*, 1883, Pt I, p. 486, Assam Gazette, 1883, Pt. III, p 690, the Assam Local Statutory Rules and Orders, 1893, p. 56]
					For the first twenty three words of s 19A of Ben. Act 7 of 1878 (inserted by Ben. Act 1 of 1883, s 6), *read* ' *In* respect of exciseable articles manufactured beyond the limits of the territories *for the time*	*See Notfn No 2256, dated* 26th April, 1901, *ante*, p 608

[1] Printed in Vol. II of this Code
[2] The operation of these Acts has since been barred in the Lushai Hills—*see* Table D in Appendix II to this Volume
[3] The Chief Commissionership of Assam is the territory mentioned in Schedule A *to the* Bengal and Assam Laws Act, 1905 (7 of 1905) *see* s. 3 and Sch. D, Pt I, cl VI in Vol I, pp 623, 625
[4] Printed *ante* p. 1

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd.

2.—ASSAM—*contd.*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(4).—*Bengal Acts*—contd.			
1883	1	The Bengal Excise (Amendment) Act, 1883—*contd.*			being administered by the Chief Commissioner of Assam." (1)	
1884	3(2)	The Bengal Municipal Act, 1884	Extended to the Towns of Dibrugarh, Gauhati and Sylhet, within municipal limits	The whole	.	*The 28th October, 1887 No 109 J.*—In exercise of the powers conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council to extend Act 3 (B. C.) of 1884 (the Bengal Municipal Act, 1884) to the town of Sylhet, Gauhati and Dibrugarh. The area within which the said Act will be in force is that of the municipality at present constituted at each of these

						places under Act 5 (B C.) of 1876 [See Gazette of India, 1887, Pt I, p 577, Assam Gazette, 1887, Pt II, p 762, the Assam Local Statutory Rules and Orders, 1893, p 57]
"	"	Ditto	Extended to the Municipality of Dhubri.	The whole		*The 17th May*, 1901 *No* 2047 J —In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874 (14 of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend the Bengal Municipal Act, 1884 (Bengal Act 3 of 1884), to the Municipality of Dhubri [*See* Assam Gazette, 1901, Pt II, p 416]
1886	1(3)	The Bengal Village chaukidári (Amendment) Act 1886.	Extended to the District of Goálpára	The whole		*The 28th October* 1895 No 4893 J —In exercise of the powers conferred by section 5 of the Scheduled Districts Act (14 of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to extend Acts 1 (B C) of 1886

(1) The "Chief Commissionership of Assam" is the territory mentioned in Schedule A to the Bengal and Assam Laws Act, 1905 (7 of 1905)—see s. 3 and Sch. D, Pt. I, cl. VI in Vol. I, pp. 623, 625.
(2) Printed ante, p. 36.
(3) Printed ante, p. 219.

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874)—contd

2.—ASSAM—*contd.*

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in or to which declared in force or extended.	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(4)—*Bengal Acts*—contd			
1886	1(1)	The Bengal Village chaukidári (Amendment) Act, 1886—*contd.*				and I (B C) of 1892 (amending the Village chaukidári Act, 1870), to the District of Goálpára. [*See* Gazette of India, 1895, Pt I p 918, Assam Gazette, 1895, Pt II, p 1136, the Assam Local Statutory Rules and Orders, Suppl 1901, p 10]
"	"	Ditto	Extended to the Districts of Cachar and Sylhet	The whole . .		*See* Notfn No 2205, dated 7th June, 1897, *ante*, p. 600
1889	1(2)	*The Inland Emigrants' Health Act*, 1889.	*Extended to Assam*	*The whole* . . .		*The 2nd April, 1890.* *No 1211 J —In exercise of the power conferred by section 5 of the Scheduled Districts Act, 14 of 1874, the Chief Commissioner of Assam, with the previous sanction of the Governor General in Council, extends Act I(B C.) of 1889 (the Inland Emigrants' Health*

						Act) to the territories under his administration [3] [*See Gazette of India*, 1890, *Pt I, p* 381; *Assam Gazette*, 1890, *Pt II, p* 140, *the Assam Local Statutory Rules and Orders*, 1893, *p* 57]
"	2 [4]	The Private Fisheries Protection Act, 1889	Extended to Assam. [5]	The whole		*The 10th September*, 1889 *No* 89 *J*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 14 of 1874, the Chief Commissioner of Assam, with the previous sanction of the Governor General in Council, extends Act 2 (B C) of 1889 (*an Act for the protection of the right of fishing in private waters*) to the territories under his administration [3] [See Gazette of India, 1889, Pt I, p 517, Assam Gazette, 1889, Pt II, p 424, the Assam Local Statutory Rules and Orders, 1893, p 57]
1892	1 [6]	The Bengal Village-chaukidari (Amendment) Act 1892	Extended to the District of Goálpára	The whole		*See* Notfn No 4893, dated 28th October, 1895, *ante*, p 617
"		Ditto	Extended *to the* Districts of Cachar and Sylhet	The whole		*See* Notfn No 2295 J, dated 7th June, 1897, *ante*, p 600

(1) Printed ante, p 21[illegible]
(2) Ben. Act 1 of 1889 has been repealed by the Assam Labour and Emigration Act, 1901 (6 of 1901)
(3) The "Chief Commissionership of Assam" is the territory mentioned in Schedule A to the Bengal and Assam Laws Act, 1905 (7 of 1905)—*see* s 3 and Sch. B [illegible] cl VI, in Vol. I, pp 123, 625.
(4) Printed ante p 2[illegible]6
(5) The operation of this Act has also been barred in the Lushai Hills—*see* Table D in Appendix II to this Volume
(6) Printed ante p 257

B.—Chronological Tables of Enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act 1874 (14 *of* 1874)—*contd*

2. ASSAM—*contd.*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended	Extent to which declared in force or extended	Restrictions and modifications	Notification
			(4)—*Bengal Acts*—contd.			
1894	4 (1)	The Bengal Municipal (Amendment) Act, 1894	Extended to the Towns of Dibrugarh, Gauhati and Sylhet within municipal limits.	The whole Act as amended by Ben Act 6 of 1894		*The 17th July*, 1895 *No* 3516-J —In exercise of the powers conferred by section 5 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the *previous sanction* of the Governor General in Council, to extend Bengal Act 4 of 1894 (*an Act to amend the Bengal Municipal Act*, 1884), *as amended by Bengal Act* 6 *of* 1894, (2) to the towns of Sylhet, Gauhati and Dibrugarh The area within which the said Acts shall be in force is that of the Municipality as at present constituted at each of these places under Bengal Act 3 of 1884 [*See* Gazette of India, 1895, Pt II, p 949, Assam Gazette, 1895, Pt. II, p 563.

						the Assam Local Statutory Rules and Orders, 1893, p 11.]
"	6 [2]	*Municipalities (amending Ben. Act 4 of 1894)*	*Ditto*	*The whole*	..	*See Notfn. No* 3546 *J*, *dated* 17*th July*, 1895, *ante*, *p* 620.
1895	5	*The Lepers Act*, 1895	*Extended to Assam*	*The whole*		*The* 22*nd September*, 1896 [3] *No* 6281 *G.—In exercise of the powers conferred by section* 5 *of the Scheduled Districts Act*, 1874 (14 *of* 1874), *and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend the Lepers Act*, 1895 (*Bengal Act* 5 *of* 1895), *to the territories under his administration* [4] [*See Assam Gazett*, 1896, *Pt. II*, *p* 787, *the Assam Local Statutory Rules and Orders*, *Supplt*, 1901, *p* 11.] *The* 26*th September*, 1901 *No* 4213 *J.—In exercise of the power conferred by section* 5 *of the Scheduled Districts Act*, 1874 (14 *of* 1874), *and with the previous sanction*

[1] Printed *ante*, p 292

[2] Ben. Act 6 of 1894 has been repealed by the Repealing and Amending Act 1903 (1 of 1903)

[3] This Notification was rescinded by Notification No 4213-J, dated 26th September, 1901, printed on this page

[4] The "Chief Commissionership of Assam" is the territory mentioned in Schedule A to the Bengal and Assam Laws Act, 1905 (7 of 1905)—see ib., s. 3, and Sch. D, Pt I, cl. VI, in Vol. I, pp. 623, 625

B—Chronological Tables of enactments declared in force in, or extended to, Scheduled Districts in Eastern Bengal and Assam by Notification under the Scheduled Districts Act, 1874 (14 of 1874)—contd

2 ASSAM—*concld*

1	2	3	4	5	6	7
Year	No.	Short title or subject	Places in or to which declared in force or extended.	Extent to which declared in *force or extended*	Restrictions and modifications.	Notification.
			(4)—*Bengal Acts*—concld			
1895	5	*The Lepers Act, 1895*—contd.				*of the Governor General in Council the Chief Commissioner of Assam is pleased to rescind Notification No 6231 G dated the 22nd September, 1896* [1] *by which the Lepers Act, 1895 (Bengal Act 5 of 1895), was extended to the territories under his administration.* [*See Gazette of India*, 1901, *Pt* I, *p* 835, *Assam Gazette*, 1901, *Pt II*, *p* 711]
1896	2	The Bengal Municipal (Amendment) Act, 1896.	Extended to the Municipalities of Dibrugarh, Gauhati and Sylhet.	The whole		*The 10th June* 1897 *No* 2363-J —In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874 (14 of 1874) and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend Bengal Act 2 of 1896 (*an Act*

						to further amend the Bengal Municipal Act, 1884), *to the Municipalities of Sylhet*, Gauháti and Dibrugarh [*See* Gazette of India, 1897, Pt I, p 662, Assam Gazette, 1897, Pt II, p 624, the Assam Local Statutory Rules and Orders, Supplt, 1901, p 11]
1899	2[3]	The Bengal Civil Court Amins Act, 1899	Extended to the District of Sylhet.	The whole		*The 2nd April*, 1900 *No* 1219 *J* —In exercise of the power conferred upon him by section 5 of the Scheduled Districts Act, 1874 (14 of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend Act 2 (B C) of 1899 (*an Act to repeal the Civil Courts Amins Act*, 1856) to the district of Sylhet [*See* Gazette of India, 1900, Pt I, p 240, Assam Gazette, 1900, Pt II, p. 197, the Assam Local Statutory Rules and Orders, Supplt, 1901, p 11]

[1] Printed *ante*, p 621
[2] Printed *ante*, p 355
[3] Printed *ante*, p. 424

C—CHRONOLOGICAL TABLE OF ENACTMENTS DECLARED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (14 OF 1874), TO BE NOT ACTUALLY IN FORCE IN ASSAM OR PARTS THEREOF

1	2	3	4	5	6
Year	No	Short title	Places in which declared to be not in force.	Extent to which declared to be not in force	Notification
		Acts of the Governor General of India in Council			
1859	10	The Bengal Rent Act 1859	Assam	The whole	*The 1st April 1897 No 1245 J.*—In exercise of the power conferred by section 3, clause (*b*), of the Scheduled Districts Act (*14 of 1874*), and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to declare that Act 10 of 1859 is not in force in the territories administered by the Chief Commissioner of Assam (1) [*See* Gazette of India, 1897, Pt I, p. 302, Assam Gazette, 1896, Pt. II, p 287, the Assam Local Statutory Rules and Orders, Supplt., 1901, p. 8]
1870	7(2)	*The Court-fees Act*, 1870	*The Gáro Hills, Khasi and Jaintia Hills] and Naga Hills Districts*	*The whole*	*The 22nd April, 1884 No 991 E.—In exercise of the powers conferred by section 3 of Act 14 of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased with the previous sanction of the Governor General in Council to declare that the Court fees Act, 1870 and the Code of Criminal Procedure* 1872, (3) *are not actually*

(1) The "Chief Commissionership of Assam" is the territory mentioned in Schedule A to the Bengal and Assam Laws Act, 1905 (7 of 1905)—see ib s. 3, and Sch D, Pt. I, cl VI, in Vol I, pp 623, 625

(2) Act 7 of 1870 has since been extended [illegible] ro Hills, Khási and Jaintia Hills and Nága Hills Districts—see [illegible] September 1897 *ante* p. 569

[illegible] again has been [illegible] The operation [illegible] itish subjects) [illegible] n all the areas [illegible] ntia Hills and Nága Hills Districts—*see post* pp. 639 to 641

C.—Chronological Table of Enactments declared, by Notification under the Scheduled Districts Act, 1874 (14 *of* 1874), *to be not actually in force in Assam or parts thereof*—contd.

1	2	3	4	5	6
Year	No	Short title	Places in which declared to be not in force	Extent to which declared to be not in force	Notification.
					Acts of the Governor General of India in Council—contd.
1870	7	*The Court fees Act* 1870—contd			*in force in the under mentioned districts* — (1) *the Garo Hills District*, (2) *the Khasi and Jaintia Hills District*, (3) *the Naga Hills District* [*See Gazette of India* 1884, *Pt I, p* 164, *Assam Gazette*, 1884, *Pt. III, p* 218, *the Assam Local Statutory Rules and Orders*, 1893, *p* 53]
1872	10[1]	*The Code of Criminal Procedure.*	*The Gáro Hills, Khasi and Jaintia Hills and Naga Hills Districts*	*The whole*	*See Notification No.* 991 *E, dated 22nd April*, 1884, *ante*, p. 624.
1877	3[2]	The Indian Registration Act, 1877	Ditto	The whole	*The 12th November*, 1878 *No* 2065.—In exercise of the power conferred by section 3 of Act 14 of 1874 (the Scheduled Districts Act) the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to declare that Act 3 of 1877 (the Indian Registration Act) is not actually in force in the undermentioned territory and districts — (1) the territory known as the Gáro Hills,

[illegible] [illegible]g portions of the Khási and [illegible] Bhoi, Nongphyllut and Narpuh Circles—*see ante*, p. 577.

The operation of Act 3 of 1877 has been barred, by notifications under the Assam Frontier Tracts Regulations, 1880 (2 of 1880), in the Dibrugarh Frontier Tract, the Lushai Hills, the Mokokchang Sub-division of the Nága Hills District, the North Cachar Hills and the Nowgong Mikir Hills Tract —*see* Table D, *post*, p. 632.

C.—Chronological Table of Enactments declared, by Notification under the Scheduled Districts Act, 1871 (14 of 1871), to be not actually in force in Assam or parts thereof—concld.

1	2	3	4	5	6
Year	No	Short title	Places in which declared to be not in force	Extent to which declared to be not in force.	Notification.
		Acts of the Governor General of India in Council—concld.			
1877	3	The Indian Registration Act 1877—*contd.*			(2) the District of the Khási and Jaintia Hills. (3) the District of the Nága Hills. 2. This notification cancels the Home Department Notification No. 1825, dated the 8th ultimo. [*See* Gazette of India, 1878, Pt. I, p. 662, Assam Gazette, 1878, Pt. II, p. 570, the Assam Local Statutory Rules and Orders, 1893, p. 53.]

D.—SCHEDULED DISTRICTS IN ASSAM WHICH ARE ADMINISTERED UNDER RULES MADE UNDER THE SCHEDULED DISTRICTS ACT, 1874 (14 OF 1874), SECTION 6

1	2	3
Areas [1]	Subject of rules	Reference.
Dibrugarh Frontier Tract	General administration, Police, Criminal Procedure, Civil Procedure	Notfn. No 12518-J dated 29th November 1906 (E B and A Gazette 1906 Pt II, p 1220)
	Sentences of death	The Assam Local Statutory Rules and Orders 1893 pp 97 98
Eastern Duārs in the Goālpára District.	Civil justice	Notfn. No 12516-J dated 29th November 1906 (E B and A Gazette 1906, Pt II, p 1218)
Gáro Hills District	General administration, Police, Criminal justice, Civil Rules	The Assam Local Statutory Rules and Orders, 1893, pp 92, 97 and Correction Slip No 135
	Sentences of death	The Assam Local Statutory Rules and Orders 1893 pp 97, 98
Khási and Jaintia Hills District.	General administration Police Criminal justice, Civil Rules	Notfns No 15521 J dated 29th November 1906 (E B and A Gazette 1906 Pt II p 1224) and No 3825 J dated 2nd September, 1907 (ib 1907 Pt. II p 3028)
	Sentences of death	The Assam Local Statutory Rules and Orders 1893 pp 97 98
Lushai Hills	General administration Taxes Tribute and Labour Arms and Ammunition Criminal justice Civil justice.	Notfn No 1[illegible]22 J dated 29th November 1906 (E B and A Gazette 1906 Pt II p 1[illegible]33)
Nága Hills District.	General administration, Police Criminal justice, Civil Rules.	Notfns No 12520 J dated 29th November 1906 (E B and A Gazette 1906 Pt II p 1220) and No 2016 J dated 16th May 1907 (ib 1907 Pt II p [illegible])
	Sentences of death	The Assam Local Statutory Rules and Orders 1893 pp 9[illegible]
North Cachar Hills (North Cachar Subdivision of the Cachar District)	General administration, Police Criminal Procedure, Civil Procedure	Notfn No 12519 J dated 29th November 1906 (E B and A Gazette 1906 Pt II p 1222)
	Sentences of death	The Assam Local Statutory Rules and Orders 1893 pp 97 98

[1] All the areas mentioned in column 1 of this Table are d[illegible] in para. 1 (4) of the note [illegible] with the exception of the Eastern Duars in the Goalpara District and the Sibsagar Mikir Hills Tract.

D.—Scheduled Districts in Assam which are administered under rules made under the Scheduled Districts Act, 1874 (14 of 1874), section 6—concld.

1	2	3
Areas	Subject of rules	Reference
Nowgong Mikir Hills Tract (1)	General administration Police Criminal justice Civil Rules	Notfn No 3873-J, dated 6th September, 1907 (E. B and A Gazette, 1907, Pt. II, p. 3063).
	Sentences of death	The Assam Local Statutory Rules and Orders, 1893, pp 97, 98
Sibsagar Mikir Hills Tract (2)	General administration Police Criminal justice Civil Rules.	Notfn No 3873-J, dated 6th September 1907 (E. B. and A. Gazette, 1907, Pt II, p. 3063)
Khási and Jaintia Hills Lushai Hills and Nága Hills Districts and the North Cachar Hills	Directing that the Commissioner of the Surma Valley and Hill Districts shall exercise and perform the jurisdiction powers, and duties conferred and imposed on a Commissioner of a Division	Notfn. No 12C dated 16th October, 1905 (E B and A. Gazette Extraordinary, of same date)

(1) As to the designation and boundaries of this Tract *see* Notfn. No. 3875-J, dated 6th September, 1907, in E B and A. Gazette 1907, Pt. II p. 3067

(2) As to the designation and boundaries of this Tract, *see* Notification No 3874-J dated 6th September, 1907, in *ibid.*

A.—Explanatory Note—*concld.*

that enactments which partially repeal enactments included in the Schedule to Regulation I of 1900 (the Chittagong Hill-tracts Regulation, 1900) apply to the Chittagong Hill-tracts although not mentioned *nominatim* in the Schedule, such enactments have effect in these tracts by virtue of the words "So much as may from time to time be in force in the District of Chittagong" in column 4 of that Schedule. It should also be borne in mind that when an enactment is declared in force in any place by notification it is to be taken as having been declared in force as textually altered by subsequent legislation (if any) up to the date of the notification. Repeals and amendments can be traced by referring to the Chronological Tables prefixed to Vol. I of this Code or (in the case of General Acts) to Table II of the "Chronological Tables of the Indian Statutes" published by the Legislative Department of the Government of India in 1901.

THE DE-REGULATIONIZED TRACTS IN ASSAM.

1. The only de-regulationized tracts in the Province of Eastern Bengal and Assam of the class referred to in clause (2) of paragraph 1 of this note are those mentioned in clause II of paragraph 2 of this note, no other tracts having been notified under section 1 of the Assam Frontier Tracts Regulation, 1880 (2 of 1880). The enactments which have been barred in these tracts are noted in Table D, *post*, pp. 639 to 641.

B.—CHRONOLOGICAL TABLE OF ENACTMENTS IN FORCE IN THE CHITTAGONG HILL-TRACTS.

1	2	3	4	5	6	7
Year.	No.	Short title [1] or subject.	Places in which in force	Extent to which declared in force.	Restrictions and modifications	Regulation, Act or Notification by which the enactments were declared in force
				(1).—Bengal Regulations.		
1818	3[2]	The Bengal State Prisoners Regulation, 1818.	The Chittagong Hill-tracts	So much as may from time to time be in force in the District of Chittagong, and so *far as it is not inconsistent* with Regulation I of 1900 or the rules for the time being in force thereunder.	....	Reg 1 of 1900, s. 4 (1) and Sch, in Vol I, pp 754, 758
1822	3[2]	The Bengal Board of Revenue Regulation, 1822	Ditto	The whole Regulation, so far as applicable	--	Act 7 of 1905, s 4 (1), in Vol I, p 623, *but see Ben. Reg* 1 of 1900, s 7, in Vol I, p. 754.
				(2).—Acts of the Governor General of India in Council		
1843	5[3]	The Indian Slavery Act, 1843.	The Chittagong Hill tracts	*So much as may from time to* time be in force in the District of Chittagong, and so far as it is not inconsistent with Regulation 1 of 1900 or the rules for the time being in force thereunder	--	Reg 1 of 1900, s 4 (1), and Sch, in Vol. I, pp 754, 758
1850	18[3]	The Judicial Officers' Protection Act, 1850	Ditto	Ditto	--	Ditto

[1] For the enactments by which several of these short titles were given, *see* column 4 of the Chronological Tables prefixed to *Vol I of this* Code, or (in the case of enactments not printed in this Code) the footnotes to the "Chronological Tables of the Indian Statutes," Ed 1901.
[2] Printed in Vol. I of this Code.
[3] Printed in General Acts, 1834 67, Ed. 1895.

A.—Explanatory Note—concld.

that enactments which partially repeal enactments included in the Schedule to Regulation I of 1900 (the Chittagong Hill-tracts Regulation, 1900) apply to the Chittagong Hill-tracts, although not mentioned nominatim in the Schedule; such enactments have effect in these tracts by virtue of the words "So much as may, from time to time, be in force in the District of Chittagong," in column 1 of that Schedule. It should also be borne in mind that when an enactment is declared in force in any place by notification, it is to be taken as having been declared in force as textually altered by subsequent legislation (if any) up to the date of the notification. Repeals and amendments can be traced by referring to the Chronological Tables prefixed to Vol. I of this Code or (in the case of General Acts) to Table II of the "Chronological Tables of the Indian Statutes" published by the Legislative Department of the Government of India in 1901.

THE DE-REGULATIONIZED TRACTS IN ASSAM.

1. The only de-regulationized tracts in the Province of Eastern Bengal and Assam of the class referred to in clause (2) of paragraph 1 of this note are those mentioned in clause II of paragraph 2 of this note, no other tracts having been notified under section 1 of the Assam Frontier Tracts Regulation, 1880 (2 of 1880). The enactments which have been barred in these tracts are noted in Table D, *post*, pp. 639 to 641.

B.—CHRONOLOGICAL TABLE OF ENACTMENTS IN FORCE IN THE CHITTAGONG HILL-TRACTS.

1	2	3	4	5	6	7
Year	No	*Short title* [1] *or subject.*	Places in which *in force*	Extent to which declared in force	Restrictions and modifications	Regulation, Act or *Notification* by which the enactments were declared in force
				(1) —*Bengal Regulations.*		
1818	3[2]	The Bengal State Prisoners Regulation, 1818	The Chittagong Hill *tracts*	So much as may from time to time be in force in the District of Chittagong, and so far as it is not inconsistent with Regulation 1 of 1900 or the rules for the time being in force thereunder		Reg 1 of 1900, s 4 (1) and Sch, in Vol. I, pp 754, 758
1822	3[2]	The Bengal Board of Revenue Regulation, 1822	Ditto	The whole Regulation, so far as applicable	--	Act 7 of 1905, s 4 (1), in Vol I p 623, *but see* Ben. Reg 1 of 1900, s 7, in Vol. I, p. 754
				(2) —*Acts of the Governor General of India in Council*		
1843	5[3]	The Indian Slavery Act, 1843.	The Chittagong Hill tracts	So much as may from time to time be in force in the District of Chittagong, and so far as it is not inconsistent with Regulation 1 of 1900 or the rules for the time being in force thereunder	--	Reg 1 of 1900, s 4 (1) and Sch, in *Vol* I, *pp* 754, 758
1850	18[3]	The *Judicial Officers'* Protection Act, 1850	Ditto	Ditto	--	Ditto

[1] For the enactments by which several of these short titles were given *see* column 4 of the Chronological Tables prefixed to Vol I of this Code or (in the case of enactments not printed in this Code) the footnotes to the "Chronological Tables of the Indian Statutes," Ed 1901.
[2] Printed in Vol I of this Code
[3] Printed in General Acts 1834-67 Ed. 1898

B.—Chronological Table of Enactments in force in the Chittagong Hill tracts—contd.

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in which in force	Extent to which declared in force.	Restrictions and modifications	Regulation, Act or Notification by which the enactments were declared in force
		(2).—Acts of the Governor General of India in Council—contd.				
1850	34[1]	The State Prisoners Act, 1850	The Chittagong Hill tracts	So much as may from time to time be in force in the District of Chittagong and so far as it is not inconsistent with Regulation 1 of 1900 or the rules for the time being in force thereunder		Reg. 1 of 1900, s. 4 (1) and Sch., in Vol. I, pp. 751-758.
"	44[2]	The Bengal Board of Revenue Act 1850	Ditto	The whole Act so far as applicable.	—	Act 7 of 1903, s. 4 (1), in Vol. I, p. 623, *but see* Reg. 1 of 1900, s. 7, in Vol. I, p. 754
1857	11[1]	The State Offences Act 1857	Ditto	So much as may from time to time be in force in the District of Chittagong and so far as it is not inconsistent with Regulation 1 of 1900 or the rules for the time being in force thereunder		Reg. 1 of 1900, s. 4 (1) and Sch. in Vol. I, pp. 751-758.
1858	3[1]	The State Prisoners Act 1858	Ditto	Ditto	—	Ditto
1860	45[1]	The Indian Penal Code .	Ditto	Ditto	— —	Ditto.
1861	5[1]	The Police Act 1861 .	Ditto	Ditto	— —	Ditto.

1864	6[1]	The Whipping Act, 1864	Ditto	Ditto	For section 6 the following is substituted[1], namely.— "6. Notwithstanding anything in the foregoing sections, a person convicted of any offence may be punished with whipping in lieu of, or in addition to, any other punishment to which he may be liable" (Whipping in lieu of, or in addition to, other punishment)	Ditto
1871	1[3]	The Cattle trespass Act, 1871	Ditto	The whole	--	*The 7th June*, 1905. *No* 399 *P. D*—In exercise of the *powers conferred* upon him by clause (*a*) of the proviso to sub section (2) of section 4 of the *Chittagong* Hill tracts Regulation, 1900 (1 of 1900), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Bengal is pleased to declare that, with effect from the date of this Notification, the Cattle trespass Act, 1871 (1 of 1871), shall apply in the Chittagong Hill tracts [*See* Calcutta Gazette, 1905, *Pt* I, p. 1902]

[1] Printed in General Acts, 1834 67, Ed 1898
[2] Printed in Vol. I, p. 284
[3] Printed in General Acts 1868 76, Ed 1898.

B.—Chronological Table of Enactments in force in the Chittagong Hill tracts—contd.

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in which in force	Extent to which declared in force	Restrictions and modifications	Regulation Act or Notification by which the enactments were declared in force.
				(2)—Acts of the Governor General of India in Council—contd.		
1872	1[1]	The Indian Evidence Act, 1872	The Chittagong Hill tracts	So much as may from time to time be in force in the District of Chittagong, and so far as it is not inconsistent with Regulation 1 of 1900 or the rules for the time being in force thereunder		Reg. 1 of 1900, s. 4 (1) and Sch. in Vol I, pp 734 735.
1877	15[2]	The Indian Limitation Act, 1877	Ditto	Ditto		Ditto
1878	7[2]	The Indian Forest Act, 1878	Ditto	Ditto		Ditto
1879	6[2]	The Elephants Preservation Act, 1879	Ditto	Ditto		Ditto
1897	10[3]	The General Clauses Act, 1897	Ditto	Ditto		Ditto
1898	5[3]	The Code of Criminal Procedure, 1898	Ditto	Ditto	Nothing in this Code applies to cases tried by the chiefs, dewans or headmen in exercise of the powers conferred upon them by rules made under section 18 of Regulation 1 of 1900	Ditto

"	6[3]	The Indian Post Office Act, 1898	Ditto	Ditto	—	Ditto
1900	11[4]	The Indian Limitation Amendment Act 1900	Ditto	The whole		*The* 10*th June*, 1901 *No* 344 *P D*—In exercise of the power conferred by clause (*a*) of the proviso to section 4, sub section (2) of the Chittagong Hill tracts Regulation *1900* (*1 of 1900*) and with the previous sanction of the Governor General *in* Council, the Lieutenant-Governor of Bengal is pleased to declare that the Indian Limitation Amendment Act 1900 (11 of 1900) shall apply in the Chittagong Hill tracts [*See* Calcutta Gazette 1901 Pt I p 752]
1901	5[4]	The Indian Forest (Amendment) Act, 1901	Ditto	Ditto		*The* 9*th June* 1902 *No* 501 *P D*—In exercise of the power conferred by clause (*a*) of the proviso to section 4 sub section (2), of the Chittagong Hill tracts Regulation, 1900 (1 of 1900) and with the previous sanction of the Governor General in Council the Lieutenant-Governor of Bengal is pleased to declare that the Indian Forest *Amendment Act*, 1901 (*5 of* 1901) shall apply in the Chittagong Hill tracts. [*See* Calcutta Gazette, 1902, Pt I p 852]

[1] Printed in General Acts 1868 76 Ed 1898
[2] Printed in *General Acts 1877 81*, Ed 1898
[3] Printed in General Acts 1891 98 Ed. 1899
[4] Printed in General Acts, 1899 03 Ed 1904

B.—Chronological Table of Enactments in force in the Chittagong Hill tracts—contd

1	2	3	4	5	6	7
Year	No	Short title or subject	Places in which in force	Extent to which declared in force	Restrictions and modifications	Regulation, Act or Notification by which the enactments were declared in force
				(2).—Acts of the Governor General of India in Council—contd		
1872	1[1]	The Indian Evidence Act, 1872	The Chittagong Hill tracts	So much as may from time to time be in force in the District of Chittagong and so far as it is not inconsistent with Regulation I of 1900 or the rules for the time being in force thereunder		Reg I of 1900 s 4(1) and Sch in Vol I pp 7 1 75
1877	15[2]	The Indian Limitation Act 1877	Ditto	Ditto		Ditto
1878	7[2]	The Indian Forest Act, 1878	Ditto	Ditto		Ditto
1879	6[2]	The Elephants Preservation Act, 1879	Ditto	Ditto		Ditto
1897	10[3]	The General Clauses Act 1897	Ditto	Ditto		Ditto
1898	5[3]	The Code of Criminal Procedure, 1898	Ditto	Ditto	Nothing in this Code applies to cases tried by the chiefs dewans or headmen in exercise of the powers conferred upon them by rules made under section 18 of Regulation I of 1900	Ditto

"	2[1]	The Indian Post Office (Amendment) Act, 1903.	Ditto	Ditto	-	See Notfn No 1308, dated 24th October, 1904, *ante*, p 636
"	7[2]	The Indian Works of Defence Act 1903	Ditto	Ditto		Ditto
	15[2]	The Ind an Extradition Act 1903	Ditto	Ditto		*Ditto*
"	7[1]	The Bengal and Assam Laws Act 1905	Ditto	*Ditto*		*Act 7 of* 1905 Sch B, in Vol I, p 624

(3) —*Regulations made under the Government of India Act*, 1870 (33 & 34 *Vict* , *c* 3)

1881	3[1]	The Chittagong Hill tracts Front er Police Regulat on 1881	The Chittagong Hill tracts	So far as it is not inconsistent with Regulation 1 of 1900 or the rules for the time being in force thereunder	For the words Deputy Commissioner wher ever they occur the word Superintend ent is substituted.	Reg 1 of 1900 s 4 (1) and Sch in Vol I pp 754, 758
1900	1[1]	The Chittagong Hill tracts Regulation 1900	*Ditto*	The whole		Reg 1 of 1900 s 1 (2) in Vol I p. 753

(4) —*Bengal Acts*

1869	7[3]	The Bengal Police Act, 1869	The Chittagong Hill tracts	So much as may from time to time be in force in the Dis trict of Chittagong and so far as it is not inconsistent with Regulation 1 of 1900 or the rules for the time being in force thereunder		Reg 1 of 1900 s 4 (1) and Sch in Vol I, pp 754 758
1899	1[4]	The Bengal General Clauses Act 1899	Ditto	Ditto		Ditto

[1] Printed in Vol. I of this Code
[2] Printed in General Acts 1898-03 Ed. 1904
[3] Printed in Vol II of this Code
[4] Printed *ante* p. 413

D.—Areas in which the operation of enactments has been barred by Notification under the Assam Frontier Tracts Regulation, 1880 (2 of 1880), section 2—contd.

1	2	3	4
Areas.	Enactments	Notification	Reference.
Lushai Hills	All enactments [1] in force on the 1st April, 1898	No. 920 P, dated 1st April, 1898.	*See* the Assam Local Statutory Rules and Orders, Supplement, 1901, p. 186.
	The Code of Criminal Procedure, 1898 (Act 5 of 1898) [2]	No 3151-J, dated 4th August, 1898.	Ditto.
	The Indian Stamp Act, 1899 (2 of 1899). [3]	No 75-J, dated 8th January, 1904.	*See* the Assam Local Statutory Rules and Orders, 1893, Correction Slip No 291
„ „ (the tract transferred from the Cachar District in 1904)	All enactments [1] *in force* on the 16th March, 1904, *except* the Police Act, 1861 (5 of 1861), [4] and the Assam Frontier Tracts Regulation, 1880 (2 of 1880) [5]	No 1094, dated 16th March, 1904	*See* the Assam Local Statutory Rules and Orders, 1893, Correction Slip No. 305.
Nága Hills District.	The Transfer of Property Act, 1882 (4 of 1882) [6]	No 26-J, dated 6th May, 1884.	*See* the Assam Local Statutory Rules and Orders, 1893, p. 408.
	The Code of Criminal Procedure, 1898 (Act 5 of 1898) [2]	No. 3151 J, dated 4th August, 1898.	*See* the Assam Local Statutory Rules and Orders, Supplement, 1901, p. 186.
	The Indian Stamp Act, 1899 (2 of 1899) [3]	No 502-J, dated 19th February 1903	*See* the Assam Local Statutory Rules and Orders, 1893, Correction Slip No. 291

[1] The following enactments, passed before the issue of the notifications mentioned in column 3, have since been extended to, or declared in force in, the Lushai Hills District, namely:—

the Indian Penal Code (Act 45 of 1860)—*see ante*, p 555
the Whipping Act, 1864 (6 of 1864)—*see ante*, p 562
the Court-fees Act, 1870 (7 of 1870)—*see ante*, p 570
the Scheduled Districts Act, 1874 (14 of 1874)—*see ante*, p 573
the Assam Police-officers Regulation, 1883 (2 of 1883)—*see ante*, p 593.
the Assam Military Police Regulation, 1890 (4 of 1890)—*see ante*, p. 593.

In the absence of further notifications under Reg 2 of 1880, s 2, all enactments, passed after the 1st April, 1898, or (in the case of the tract transferred from the Cachar District) the 16th March, 1904, which extend generally to British India or to the former province of Assam or to the province of Eastern Bengal and Assam, apply to the Lushai Hills District. Up to the 13th January, 1908, no enactments of that class have been barred in this district by notification under Reg 2 of 1880, s 3

[2] Printed in General Acts, 1891 98, Ed. 1899, p 380

[3] Printed in General Acts, 1899 03, Ed 1904, p 6 Act 2 of 1899 has since been extended, with a proviso, to each of the areas mentioned in column 1 of this List—*see* Notfns No 503 J, dated 19th February, 1903, *ante*, p 587 and No 4949, dated 12th November, 1904, *ante*, p 588

[4] Printed in General Acts, 1834 67, Ed 1898, p 379

[5] Printed in Vol I, p. 637

[6] Printed in General Acts, 1882 84, Ed 1898, p 40

D—Areas in which the operation of enactments has been barred by Notification under the Assam Frontier Tracts Regulation, 1880 (2 *of* 1880), *section* 2—concld.

1	2	3	4
Areas	Enactments	Notification	Reference.
Nága Hills District (the Mokokchang Sub division)	The Indian Registration Act, 1877 (3 of 1877) [1] The Transfer of Property Act, 1882 (4 of 1882) [2]	No 107-J, dated 16th January, 1891	*See* the Assam Local Statutory Rules and Orders, 1893, p 108
North Cachar Hills (North Cachar Sub division of the Cachar District)	The Indian Registration Act, 1877 (3 of 1877) [1] The Transfer of Property Act, 1882 (4 of 1882) [2]	No 28 J, dated 6th May, 1884	Ditto
	The Code of Criminal Procedure, 1898 (Act 5 of 1898) [3]	No 3151 J, dated 4th August, 1898	*See* the Assam Local Statutory Rules and Orders, Supplement, 1901, p 186
	The Indian Stamp Act, 1899 (2 of 1899) [4]	No 502 J, dated 10th February, 1903	*See* the Assam Local Statutory Rules and Orders, 1893, Correction Slip No 291
Nowgong Mikir Hills Tract. [7]	The Indian Registration Act, 1877 (3 of 1877) [5] The Transfer of Property Act, 1882 (4 of 1882) [2] The Code of Civil Procedure (Act 14 of 1882) [6]	No 86-J dated 28th November, 1884	*See* the Assam Local Statutory Rules and Orders, 1893, p 400
	The Code of Criminal Procedure, 1898 (Act 5 of 1898) [3]	No 3151-J, dated 4th August 1898	*See* the Assam Local Statutory Rules and Orders, Supplement, 1901, p 186
	The Indian Stamp Act, 1899 (2 of 1899) [4]	No 502 J dated 10th February, 1903	*See* the Assam Local Statutory Rules and Orders, 1893, Correction Slip No. 291

of 1877 was declared
lled Districts Act, 1874
(*see ante*, p. 620)

[4] Printed in General Acts, 1899-03, Ed. 1904 p 6 Act 2 of 1899 has since been extended with a proviso, to each of the areas mentioned in column 1 of this List—*see* Notfns.
1 No. 4949, dated 12th November,

262. Ss. 223 to 228 of Act 14 of 1882 have since been extended to the Nowgong Mikir Hills Tract—*see ante*, p. 582.

[7] As to the designation and boundaries of this tract *see* Notfn. No 3875 J, dated 6th September, 1907, in E. B. and A. Gazette, 1907, Pt II, p. 3067

1 Subject.	2 Enactment	3 Volume and page.
CHITTAGONG HILL-TRACTS—*contd.*		
To be administered under rules	Reg, 1, 1900, s 3	I, 753
„ „ by Superintendent	„ s 7	„ 754
Power to make rules for administration of	„ s 18	„ 757
Enactments in force in	„ s 4, Sch	„ 754, 758 III, 631
Appointment of Superintendent and other officers in	Reg, 1, 1900, s 5	I, 754
Power to invest Assistant Superintendent with powers of Superintendent.	„ s 6	„ „
Control over offices, revision	„ s 17	„ 757
[illegible]	„ s 9	„ 755
[illegible]	„ s 10	„ „
[illegible] ture of gunpowder, carrying of daos, spears, and bows and arrows, penalties.	„ ss 11, 12	„ 755, 756
Intoxicating drugs importation, exportation, manufacture, possession or sale of opium, ganja or charas or preparations thereof, penalty	„ s 13	„ 756
Spirit and fermented liquor importation, sale and ex- [illegible]	„ ss 14 15	„ „
[illegible]	„ s 19	„ 758 „ 757, n.
Frontier Police in [illegible]		
Definitions	Reg 3, 1881, s 2	„ 639
Punishments	„ ss 3 to 5	„ 640, 641
„ departmental	„ s 6	„ 642
Place of imprisonment	„ s 7	„ „
Prosecutions under other laws not barred, but only one punishment allowed	„ s 8	„ „
Magisterial powers of Police officers	„ s 9	„ „
Rules made under Regulation 3, 1881		II, 639, n
CHITTAGONG HILL-TRACTS FRONTIER POLICE REGULATION, 1881 (*See* CHITTAGONG HILL TRACTS)	Reg 3, 1881	I, 639
CHITTAGONG HILL TRACTS REGULATION, 1900 (*See* CHITTAGONG HILL TRACTS, DE REGULATIONIZED TRACTS, *DISTRICT*)	„ 1, 1900	„ 753
CHITTAGONG PORT COMMISSIONERS ACT, 1887 [*See* CUSTOMS (SEA), MERCHANT SHIPPING, PORT, PORT COMMISSIONERS]	Ben Act 4, 1887	III, 235
CHITTAGONG PORT COMMISSIONERS (AMENDMENT) ACT, 1903	„ 4, 1903	„ 435
CHRONOLOGICAL TABLES		
Of enactments printed in Code		I, xvii II, ix III, ix

[1] Sic. Read 1886

1 Subject.	2 Enactment	3 Volume and page
LAND REVENUE—*contd*		
I—GENERAL PROVISIONS—*contd*		
3 —SETTLEMENT, AND ASSESSMENT OF LAND-REVENUE—*contd*		
(c) *Revenue free grants*—contd		
(i) Non badshahi Lakhiraj Grants—*contd*		
Grants made after 1st December, 1790, otherwise than by Local Government Declared void	(E B) Ben Reg 19 1793 s 10	I, 51
Ben Reg 19, 1793, s 10, not affected by other Regulations, assessment of lands illegally held	(E B) Ben Reg 9 1825 s 8	, 232
[illegible]	(E B) Ben Reg 19, 1793, s 20	„ 53
Conduct of suits against Government by persons claim[illegible]	s 15	52
[illegible] perintendents of	, s 18	, 55
extend to badshahi grants	, , s 49	, ,
Modification of Ben Reg 19 1793 .	(E B) Ben Reg 14 1825 s 3	, 243
(ii) Badshahi Lakhiraj Grants		
Grants made before 12th August, 1765, and not subsequently resumed by Government Declared valid, provided grantee obtained possession	(E B) Ben Reg 37, 1793, s 2 (1)	, 59
Reference of doubtful claims to Local Government } Claims barred when made after payment of revenue for twelve years }	, s 2 (2)	59 60
Grants for life not extended .	s 2 (3) to (5)	, 60
Grants made after 12th August, 1765, and not confirmed by Government Declared invalid	, , s 3 (1)	„
Reference of doubtful claims to Local Government	„ s 3 (2)	, 61
Grants forged, altered or antedated, declared void	, s 12	62
Registration of valid grants, grants not duly registered declared liable to resumption and lands liable to payment of revenue registration not conclusive as to title to land or validity of grant, lands so assessed to be entered in Collector s registers	ss 19 21 to 23 (E B.) Ben Reg 8 1800 s 19	, 63, 64 , 76

[1] Ben Act 3 of 1884, has been extended to the towns of Dhubri, Dibrugarh, Gauhati and Sylhet in Assam, by notification under the Scheduled Districts Act, 1874 (14 of 1874)

[1] Ben. Act 7, 1865, has been repealed in Assam by the Repealing and Amending Act, 1897 (5 of 1897).

[1] Ben. Act 7, 1865 has been repealed in Assam by the Repealing and Amending Act, 1897 (5 of 1897)

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[1] Ben. Act 5 1876 has been repealed in the towns of Dhubri Dibrugarh Gauhati and Sylhet by Ben. Act 3 1884, which has been extended to those towns by notification under the Scheduled Districts Act, 1874 (14 of 1874).

[1] *Sic. Read* 1886

G I C. P. O.—No 1 L. D.—9.5 1909.